

Extra Ordinary Part - IV /1994

Extra No.	Date	Department
Extra No.1	10-02-1994	Legislative & Parliamentary Affairs Department
Extra No.2	21-02-1994	Legislative & Parliamentary Affairs Department
Extra No.3	21-02-1994	Legislative & Parliamentary Affairs Department
Extra No.4	15-03-1994	Legislative & Parliamentary Affairs Department
Extra No.5	16-03-1994	Legislative & Parliamentary Affairs Department
Extra No.6	16-03-1994	Legislative & Parliamentary Affairs Department
Extra No.7	31-03-1994	Information & Broadcasting Department
Extra No.8	31-03-1994	Home Department
Extra No.9	31-03-1994	Finance Department
Extra No.10	31-03-1994	Revenue Department
Extra No.11	13-04-1994	Education Department
Extra No.12	25-04-1994	Legislative & Parliamentary Affairs Department
Extra No.13	28-06-1994	Legislative & Parliamentary Affairs Department
Extra No.14	28-06-1994	Legislative & Parliamentary Affairs Department
Extra No.15	01-07-1994	Legislative & Parliamentary Affairs Department
Extra No.16	06-07-1994	Legislative & Parliamentary Affairs Department
Extra No.17	06-07-1994	Legislative & Parliamentary Affairs Department
Extra No.18	22-07-1994	Gujarat Legislature Secretariat
Extra No.19	27-07-1994	Gujarat Legislature Secretariat
Extra No.20	27-07-1994	Legislative & Parliamentary Affairs Department
Extra No.21	27-07-1994	Legislative & Parliamentary Affairs Department
Extra No.22	27-07-1994	Gujarat Legislature Secretariat
Extra No.23	27-07-1994	Gujarat Legislature Secretariat
Extra No.24	13-09-1994	Legislative & Parliamentary Affairs Department

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THURSDAY, FEBRUARY 10, 1994/MAGHA 21, 1915

Separate paging is given to this Part in order that it
may be filed as a separate compilation.

P A R T IV**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th February, 1994 is hereby published for general information.

SMT. K. R. TRIVEDI,
Secretary to the Government of Gujarat,
Legislative and Parliament Affairs Department.

GUJARAT ACT NO. 1 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 10th February, 1934).

AN ACT

to amend the Gujarat Motor Transport Vehicles Toll Act, 1992.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Motor Transport Vehicles Toll (Amendment) Act, 1994.

(2) It shall be deemed to have come into force on the 1st September, 1993.

Guj. 7 of
1992.

2. In the Gujarat Motor Transport Vehicles Toll Act, 1992 (hereinafter referred to as "the principal Act"), in section 3, for sub-section (1), the following shall be substituted, namely :—

"(1) Notwithstanding anything contained in any law for the time being in force, there shall be levied and collected a toll on every entry in the State of Gujarat, of a motor transport vehicle plying under a permit granted or deemed to have been granted under the Motor Vehicles Act, 1988 by an authority having jurisdiction outside the State of Gujarat, at such rate not exceeding one hundred rupees per vehicle, as the State Government may, by notification in the *Official Gazette*, specify.".

Short
title and
commencement.

Amend-
ment of
section 3
of Guj. 7
of 1992.

59 of
1988.

Repeal
and
savings.

3. (1) The Gujarat Motor Transport Vehicles Toll (Amendment) Ordinance, 1993, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Guj.
Ord.
3 of
1993.



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MONDAY, FEBRUARY 21, 1994/PHALGUNA 2, 1915

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may be filed as a separate compilation.

PART-IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 19th February, 1994 is hereby published for general information.

SMT. K. R. TRIVEDI,
Secretary to the Government of Gujarat,
Legislative and Parliament Affairs Department.

GUJARAT ACT NO. 2 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 21st February, 1994).

AN ACT

TO AMEND THE SOUTH GUJARAT UNIVERSITY ACT, 1965.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:

Short title.

1. This Act may be called the South Gujarat University (Amendment) Act, 1993.

2. In the South Gujarat University Act, 1965, in section 2, in clause (3), for the words "leading to a degree", the words "leading to a diploma or a degree" shall be substituted.

Amend-
ment
of section
2 of Guj.
38 of 1965.

Gu. 38
of 1965.

2-1

IV-Extra-2-1



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 19th February, 1994 is hereby published for general information.

SMT. K. R. TRIVEDI,
 Secretary to the Government of Gujarat,
 Legislative and Parliament Affairs Department.

GUJARAT ACT NO. 3 OF 1994.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 21st February, 1994).

AN ACT

FURTHER TO AMEND THE GUJARAT INDUSTRIAL DEVELOPMENT ACT, 1962.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Gujarat Industrial Development (Amendment) Act, 1992.
2. In the Gujarat Industrial Development Act, 1962, section 44A shall be deleted.

Short title.

Deletion of section 44A of Guj. XXIII of 1962.

Guj.
XXIII of
1962.



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PART-IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the President on the 15th March, 1994 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 1994.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 15th March, 1994).

AN ACT

further to amend the Bombay Animal Preservation Act, 1954.

WHEREAS it is established that cow and her progeny sustain the health of the nation by giving them the life giving milk which is so essential an item in a scientifically balanced diet ;

AND WHEREAS the working bullocks are indispensable for our agriculture for they supply power more than any other animal ;

AND WHEREAS the working bullocks are often useful in ploughing the fields, drawal of water from the wells and also very useful for drawing carts for transporting grains and fodders from the fields to the residences of farmers as well as to the Agricultural Market Yards ;

AND WHEREAS the dung of the animal is cheaper than the artificial manures and extremely useful for production of bio-gas ;

AND WHEREAS it is established that the back-bone of Indian agriculture is, in a manner of speaking, the cow and her progeny and have, on their back, the whole structure of the Indian agriculture and its economic system ;

AND WHEREAS it is expedient to give effect to the policy of the State towards securing the principles laid down in articles 47, 48 and in clauses (b) and (c) of articles 39 of the Constitution of India and to protect, preserve and sustain cow and its progeny ;

It is hereby enacted in the Forty-fifth Years of the Republic of India as follows :—

Short title and commencement.

Amendment of section 5 of Bom. LXXII of 1954.

Repeal and savings.

1. (1) This Act may be called the Bombay Animal Preservation (Gujarat Amendment) Act, 1994.

(2) It shall be deemed to have come into force on the 23rd September, 1993.

2. In the Bombay Animal Preservation Act, 1954 (hereinafter referred to as "the principal Act"), in section 5,—

(1) in sub-section (1A), for clauses (c) and (d), the following clauses shall be substituted, namely :—

(c) "a bull;

(d) "a bullock." ;

(2) in sub-section (3), —

(i) in clause (a), sub-clauses (ii) and (iii) shall be deleted ;

(ii) in clause (b), after the words "calf of a cow", the words "bull or bullock" shall be inserted.

3. (1) The Bombay Animal Preservation (Gujarat Amendment) Ordinance, 1993 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Bom.
LXXII
of 1954.

Guj. Ord.
4 of 1993.



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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 16th March, 1994 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 16th March, 1994).

AN ACT

TO AUTHORISE PAYMENT AND APPROPRIATION OF CERTAIN FURTHER SUMS FROM AND OUT OF THE CONSOLIDATED FUND OF THE STATE OF GUJARAT FOR THE SERVICES OF THE YEAR ENDING ON THE THIRTY-FIRST DAY OF MARCH, 1994.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 1994. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums net exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of nine hundred seventy-two crores, twenty-one lakhs, ninety-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 1994, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 9,72,21,- 91,000 from and out of the Consolidated Fund of the State of Gujarat for the financial year 1993-94.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote/ Approp- riation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	Rs.	Rs.	Rs.
1.	Agriculture, Cooperation and Rural Development Department	Revenue	60,000	1,000
				61,000
2.	Agriculture	Revenue	76,52,16,000	..
		Capital	30,00,000	..
				30,00,000
3.	Minor Irrigation Soil Conservation and Area Development	Revenue	78,34,000	..
4.	Animal Husbandry and Dairy Development	Revenue	1,07,80,000	93,000
		Capital	1,15,05,000	..
				1,15,05,000
5.	Fisheries	Revenue	1,000	..
6.	Co-operation	Revenue	1,000	..
7.	Other Expenditure pertaining to Agriculture, Co-operation and Rural Development Department	Capital	5,00,000	..
				5,00,000
8.	Education Department	Revenue	9,10,000	..
9.	Education	Revenue	187,59,83,000	11,77,06,000
				99,36,89,000
11.	Energy and Petro-chemicals Department	Revenue	3,00,000	..
13.	Energy Projects	Revenue	5,04,56,10,000	..
5.	Finance Department	Revenue	11,49,000	..
17.	Treasury and Accounts Administration	Revenue	..	88,000
18.	Pensions and other Retirement Benefits	Revenue	29,55,00,000	..
19.	Other Expenditure pertaining to Finance Department	Capital	40,00,01,000	26,99,000
				40,27,00,000
20.	Repayment of Debt pertaining to Finance Department and its Servicing	Revenue	..	10,80,80,000
		Capital	..	27,76,01,000
				27,76,01,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund	3	
1	2	Rs.	Rs.	Rs.	
21.	Food and Civil Supplies Department	Revenue	4,33,000	..	4,33,000
22.	Civil Supplies	Revenue	13,26,000	5,000	13,31,000
		Capital	63,49,000	..	63,49,000
23.	Food	Revenue	40,42,000	2,39,000	42,81,000
		Capital	40,00,000	..	40,00,000
24.	Other Expenditure pertaining to Food and Civil Supplies Department	Capital	1,00,000	23,000	1,23,000
25.	Forest and Environment Department	Revenue	12,72,000	..	12,72,000
26.	Forests	Revenue	3,000	4,55,000	4,58,000
29.	Governor	Revenue	..	4,75,000	4,75,000
30.	Council of Ministers	Revenue	39,97,000	..	39,97,000
31.	Elections	Revenue	1,88,53,000	17,000	1,88,70,000
32.	Public Service Commission	Revenue	..	8,50,000	8,50,000
33.	General Administration Department	Revenue	19,59,000	..	19,59,000
34.	Economic Advice and Statistics	Revenue	9,76,000	..	9,76,000
35.	Other Expenditure pertaining to General Administration Department	Revenue	46,51,000	..	46,51,000
		Capital	34,65,000	..	34,65,000
38.	Health and Family Welfare Department	Revenue	8,65,000	..	8,65,000
39.	Medical and Public Health	Revenue	8,69,73,000	3,40,000	8,73,13,000
40.	Family Welfare	Revenue	13,77,92,000	..	13,77,92,000
41.	Water Supply	Revenue	40,00,000	..	40,00,000
		Capital	6,56,00,000	..	6,56,00,000
42.	Other Expenditure pertaining to Health and Family Welfare Department.	Revenue	20,000	43,000	63,000

No. of Vote/ Approp- riation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	Rs.	Rs.	Rs.
43.	Home Department	Revenue	41,70,000	.. 41,70,000
44.	Police	Revenue	17,15,76,000	1,000 17,15,77,000
45.	Jails	Revenue	1,64,58,000	.. 1,64,58,000
47.	Other Expenditure pertaining to Home Department	Revenue	1,000	5,07,000 5,08,000
49.	Stationery and Printing	Revenue	9,27,45,000	.. 9,27,45,000
50.	Industries	Capital	8,51,75,000	8,000 8,51,83,000
52.	Other Expenditure pertaining to Industries and Mines Department	Revenue	86,00,000	15,000 86,15,000
		Capital	50,00,000	.. 50,00,000
54.	Information and Publicity	Revenue	19,29,000	1,20,000 20,49,000
56.	Other Expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue	..	1,04,000 1,04,000
61.	Administration of Justice	Revenue	1,000	1,000 2,000
64.	Narmada Development Scheme	Capital	9,37,56,000	.. 9,37,56,000
65.	Irrigation and Soil Conservation	Revenue	79,39,000	17,70,000 97,09,000
		Capital	1,15,21,000	2,49,97,000 3,65,18,000
66.	Other Expenditure pertaining to Narmada and Water Resources Department	Revenue	..	2,57,84,000 2,57,84,000
		Capital	5,80,000	.. 5,80,000
67.	Panchayats and Rural Housing Department	Revenue	3,05,000	.. 3,05,000
68.	Community Development	Revenue	22,93,000	.. 22,93,000
69.	Rural Housing	Revenue	68,31,000	6,19,70,000 6,88,01,000
70.	Compensations and Assignments	Revenue	1,29,39,000	.. 1,29,39,000
71.	Other Expenditure pertaining to Panchayats and Rural Housing Department	Revenue	1,49,50,000	.. 1,49,50,000
		Capital	1,03,000	.. 1,03,000
72.	Revenue Department	Revenue	8,93,000	.. 8,93,000
	Tax Collection Charges (Revenue Department)	Revenue	1,000	6,57,000 6,58,000

No. of Vote/ Approp- riation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.
74.	District Administration	Revenue	1,08,21,000	.. 1,08,21,000
75.	Relief on account of Natural Calamities	Revenue	1,000	.. 1,000
		Capital	2,67,00,000	.. 2,67,00,000
76.	Dangs District	Revenue	45,06,000	.. 45,06,000
77.	Compensation and Assignments	Revenue	2,00,07,000	93,000 2,01,00,000
78.	Other Expenditure pertaining to Revenue Department	Revenue	1,20,30,000	.. 1,20,30,000
80.	Non-Residential Buildings	Revenue	.. 72,000	72,000
		Capital	3,000	98,000 1,01,000
81.	Residential Buildings	Capital	1,00,00,000	.. 1,00,00,000
82.	Roads and Bridges	Revenue	3,00,00,000	9,77,000 3,09,77,000
		Capital	40,00,00,000	52,22,000 40,52,22,000
83.	Ports	Capital	73,00,000	.. 73,00,000
84.	Gujarat Capital Construction Scheme	Revenue	16,16,000	.. 16,16,000
		Capital	.. 7,79,000	7,79,000
85.	Other Expenditure pertaining to Roads and Buildings Department	Revenue	78,25,000	69,96,000 1,48,21,000
88.	Social Security and Welfare	Revenue	5,20,41,000	.. 5,20,41,000
89.	Welfare of Scheduled Tribes	Revenue	1,66,52,000	.. 1,66,52,000
90.	Other Expenditure pertaining to Social Welfare and Tribal Development Department	Capital	5,80,000	.. 5,80,000
91.	Special Component Plan for Scheduled Castes	Revenue	2,99,27,000	.. 2,99,27,000
		Capital	43,00,000	.. 43,00,000
92.	Tribal Area Sub-Plan	Revenue	7,34,12,000	9,26,000 7,43,38,000
		Capital	4,00,00,000	9,67,000 4,09,67,000

No. of Vote/ Approp- priation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.
94. Urban Housing	Revenue		2,78,15,000	2,78,15,000
95. Urban Development	Revenue		57,000	57,000
99. Youth Services and Cultural Activities	Revenue	30,27,000		30,27,000
	Revenue	7,87,40,02,000	35,62,57,000	8,23,02,59,000
Total :		Capital	1,17,95,38,000	31,23,94,000
	Grand Total		9,05,35,40,000	66,86,51,000
				9,72,21,91,000



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PART-IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th March, 1994 is hereby published for general information.

Kum. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 16th March, 1994).

AN ACT

to authorise withdrawal of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of a part of the financial year ending on the thirty-first day of March, 1995.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation (Vote on Account) Act, 1994.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of three thousand two hundred seven crores, seventy-eight lakhs, seventy-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1994-95.
3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Short title.

Withdrawal
of Rs.
32,07,78,79
000 from and
out of the
Consolidated
Fund of the
State of
Gujarat for
the financial
year 1994-
95.
Appropriation

THE SCHEDULE
(See sections 2 and 3)

No.of Vote/ Approp- riation.	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.
1.	Agriculture, Co-operation and Rural Development Department	Revenue	80,15,000	80,15,000
2.	Agriculture	Revenue	86,45,24,000	86,45,24,000
		Capital	5,01,67,000	5,01,67,000
3.	Minor Irrigation, Soil Conservation and Area Development	Revenue	9,88,06,000	9,88,06,000
		Capital	28,33,000	28,33,000
4.	Animal Husbandry and Dairy Development	Revenue	9,55,11,000	9,55,11,000
		Capital	1,33,000	1,33,000
5.	Fisheries	Revenue	4,06,98,000	4,06,98,000
		Capital	1,20,67,000	1,20,67,000
6.	Co-operation	Revenue	6,36,13,000	6,36,13,000
		Capital	3,72,80,000	3,72,80,000
7.	Other expenditure pertaining to Agriculture, Co-operation and Rural Development Department	Capital	2,39,25,000	2,39,25,000
8.	Education Department	Revenue	44,60,000	44,60,000
9.	Education	Revenue	5,03,33,86,000	5,15,57,86,000
		Capital	2,00,000	2,00,000
10.	Other expenditure pertaining to Education Department	Revenue	1,50,63,000	1,50,63,000
		Capital	18,29,90,000	18,29,90,000

No.of Vote/ Appro- priation.	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
		1	2	3
		Rs.	Rs.	Rs.
11.	Energy and Petro-Chemicals. Department	Revenue	15,78,000	15,78,000
12.	Tax collection charges (Energy and Petro-Chemicals Department)	Revenue	87,49,000	87,49,000
13.	Energy Projects,	Revenue	1,66,67,000	1,66,67,000
14.	Other Expenditure pertaining to Energy and Petro-Chemicals Department	Capital	17,80,000	17,80,000
15.	Finance Department	Revenue	84,95,000	84,95,000
		Capital	1,19,000	1,19,000
16.	Tax Collection Charges (Finance Department)	Revenue	10,18,73,000	10,18,73,000
17.	Treasury and Accounts Administration	Revenue	6,09,97,000	6,09,97,000
18.	Pension and other Retirement Benefits	Revenue	85,72,83,000	85,74,16,000
19.	Other Expenditure pertaining to Finance Department	Revenue	1,61,17,63,000	1,61,17,63,000
		Capital	2,53,05,000	2,53,38,000
20.	Repayment of Debt pertaining to Finance Department and its Servicing	Revenue	.. 3,55,79,32,000	3,55,79,32,000
21.	Food and Civil Supplies Department.	Capital	4,46,76,78,000	4,46,76,78,000
22.	Civil Supplies	Revenue	94,38,000	94,38,000
		Capital	6,49,25,000	6,49,25,000
23.	Food	Revenue	34,000	34,000
		Capital	1,84,24,000	1,84,24,000
		.. 8,33,000	.. 8,33,000	

No.of Vote/ Appro- priation.	Services and purposes,	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	Rs.	Rs.	Rs.
24.	Other Expenditure pertaining to Food and Civil Supplies Department	Capital	37,60,000	37,60,000
25.	Forest and Environment Department	Revenue	22,69,000	22,69,000
26.	Forests	Revenue	14,09,43,000	14,09,43,000
		Capital	14,41,34,000	14,41,34,000
27.	Environment	Revenue	56,00,000	56,00,000
28.	Other Expenditure pertaining to Forests and Environment Department	Capital	76,00,000	76,00,000
29.	Governor	Revenue	25,68,000	25,68,000
30.	Council of Ministers	Revenue	73,58,000	73,58,000
31.	Elections	Revenue	51,01,000	51,01,000
32.	Public Service Commission	Revenue	9,52,000	40,55,000
				50,07,000
33.	General Administration Department	Revenue	3,12,91,000	3,12,91,000
34.	Economic Advice and Statistics	Revenue	1,40,76,000	1,40,76,000

No.of Vote/ Appro- priation.	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund	3	
1	2	Rs.	Rs.	Rs.	
35.	Other Expenditure pertaining to General Administration	Revenue	14,46,15,000		14,46,15,000
	Department	Capital	1,74,05,000		1,74,05,000
36.	State Legislature	Revenue	1,22,85,000	1,33,000	1,24,18,000
37.	Loans and Advances to Government servants in Gujarat Legislature Secretariat	Capital	20,37,000		20,37,000
38.	Health and Family Welfare Department	Revenue	69,37,000		69,37,000
39.	Medical and Public Health	Revenue	94,62,12,000		94,62,12,000
40.	Family Welfare	Revenue	22,53,33,000		22,53,33,000
41.	Water Supply	Revenue	22,63,05,000		22,63,05,000
		Capital	55,55,50,000		55,55,50,000
42.	Other expenditure pertaining to Health and Family Welfare Department	Revenue	8,47,98,000		8,47,98,000
		Capital	4,10,90,000		4,10,90,000
43.	Home Department	Revenue	56,07,000		56,07,000
44.	Police	Revenue	1,04,40,10,000		1,04,40,10,000
45.	Jails	Revenue	2,94,35,000		2,94,35,000
46.	Transport	Revenue	3,76,92,000		3,76,92,000

No.of Vote/ Appro- priation:	Services and purposes	Sums not exceeding			Total Charged on the Consolidated Fund
		Voted	Charged on the Consolidated Fund	Total	
		1	2	3	
		Rs.	Rs.	Rs.	
47.	Other Expenditure pertaining to Home Department	Revenue	8,01,74,000	44,000	8,02,18,000
		Capital	1,10,18,000	..	1,10,18,000
48.	Industries and Mines Department	Revenue	36,58,000	..	36,58,000
49.	Stationery and Printing	Revenue	7,48,90,000	..	7,48,90,000
50.	Industries	Revenue	24,43,70,000	..	24,43,70,000
		Capital	39,33,000	..	39,33,000
51.	Mines and Minerals	Revenue	2,47,47,000	..	2,47,47,000
52.	Other Expenditure pertaining to Industries and Mines Department	Revenue	15,88,000	..	15,88,000
		Capital	85,00,000	..	85,00,000
53.	Information, Broadcasting and Tourism Department	Revenue	9,90,000	..	9,90,000
54.	Information and Publicity	Revenue	4,28,34,000	..	4,28,34,000
55.	Tourism	Revenue	77,25,000	..	77,25,000
		Capital	9,00,000	..	9,00,000
56.	Other Expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue	46,77,000	..	46,77,000
		Capital	33,00,000	..	33,00,000
57.	Labour and Employment Department	Revenue	23,42,000	..	23,42,000
58.	Labour and Employment	Revenue	13,96,92,000	..	13,96,92,000
		Capital	67,000	..	67,000
59.	Other Expenditure pertaining to Labour and Employment Department	Capital	97,70,000	..	97,70,000

No.of Vote/ Appropriation.	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund		
		1	2	3	
		Rs.	Rs.	Rs.	
60.	Legal Department	Revenue	47,07,000	..	47,07,000
		Capital	8,000	..	8,000
61.	Administration of Justice	Revenue	12,19,14,000	1,59,78,000	13,78,92,000
62.	Other Expenditure pertaining to Legal Department	Revenue	46,30,000	..	46,30,000
		Capital	58,05,000	..	58,05,000
63.	Legislative and Parliamentary Affairs Department	Revenue	25,40,000	..	25,40,000
64.	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	11,10,000	..	11,10,000
65.	Narmada and Water Resources Department	Revenue	62,70,000	..	62,70,000
66.	Narmada Development Scheme	Capital	2,55,64,15,000	..	2,55,64,15,000
67.	Irrigation and Soil Conservation	Revenue	1,65,52,88,000	..	1,65,52,88,000
		Capital	58,41,27,000	..	58,41,27,000
68.	Other Expenditure pertaining to Narmada and Water Resources Department	Revenue	4,67,000	..	4,67,000
		Capital	3,42,95,000	..	3,42,95,000
69.	Panchayats and Rural Housing Department	Revenue	38,11,000	..	38,11,000
70.	Community Development	Revenue	29,03,12,000	..	29,03,12,000
		Capital	2,77,000	..	2,77,000

No. of Vote/ Appro- priation.	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	Rs.	Rs.	Rs.
71.	Rural Housing	Revenue	9,35,60,000	16,83,67,000
		Capital	77,33,000	..
72.	Compensations and Assignments	Revenue	5,60,94,000	..
73.	Other Expenditure pertaining to Panchayats and Rural Housing Department	Revenue	3,28,03,000	..
		Capital	7,25,85,000	..
74.	Revenue Department	Revenue	1,00,52,000	..
75.	Tax Collection Charges (Revenue Department)	Revenue	9,11,61,000	9,33,000
76.	District Administration	Revenue	9,41,47,000	..
77.	Relief on account of Natural Calamities	Revenue	28,25,00,000	..
		Capital	8,33,000	..
78.	Dangs District	Revenue	4,43,37,000	..
		Capital	17,000	..
79.	Compensations and Assignments	Revenue	2,51,82,000	14,23,000
		Capital	19,00,000	14,67,000
80.	Other Expenditure pertaining to Revenue Department	Revenue	15,80,000	2,000
		Capital	1,92,10,000	..
81.	Roads and Buildings Department	Revenue	83,72,000	..
				83,72,000

No.of Vote/ Appro- priation.	Services and purposes	Sums not exceeding			Total Rs.
		Voted	Charged on the Consolidated Fund		
		3			
1	2	Rs.	Rs.	Rs.	
82.	Non-Residential Buildings	Revenue	30,62,34,000	1,04,000	30,63,38,000
		Capital	10,78,35,000	..	10,78,35,000
83.	Residential Buildings	Revenue	13,09,17,000	..	13,09,17,000
		Capital	2,22,58,000	..	2,22,58,000
84.	Roads and Bridges	Revenue	77,11,52,000	..	77,11,52,000
		Capital	15,22,33,000	..	15,22,33,000
85.	Ports	Capital	2,73,33,000	..	2,73,33,000
86.	Gujarat Capital Construction Scheme	Revenue	75,64,000	..	75,64,000
		Capital	2,23,33,000	..	2,23,33,000
87.	Other Expenditure pertaining to Roads and Buildings Department	Revenue	2,24,60,000	..	2,24,60,000
		Capital	1,90,86,000	..	1,90,86,000
88.	Social Welfare and Tribal Development Department	Revenue	32,91,000	..	32,91,000
89.	State Excise	Revenue	78,95,000	..	78,95,000
90.	Social Security and Welfare	Revenue	22,96,84,000	..	22,96,84,000
		Capital	46,67,000	..	46,67,000
91.	Welfare of Scheduled Tribes	Revenue	9,01,06,000	..	9,01,06,000
		Capital	17,27,000	..	17,27,000
92.	Other Expenditure pertaining to Social Welfare and Tribal Development Department	Capital	73,80,000	..	73,80,000

No.of Vote/ Appro- priation.	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	Rs.	Rs.	Rs.
93.	Special Component Plan for Scheduled Castes	Revenue 37,51,44,000		37,51,44,000
		Capital 1,98,18,000		1,98,18,000
94.	Tribal Area Sub-Plan	Revenue 88,52,59,000		88,52,59,000
		Capital 23,57,46,000		23,57,46,000
95.	Urban Development and Urban Housing Department	Revenue 21,92,000		21,92,000
96.	Urban Housing	Revenue 2,17,32,000	3,09,35,000	5,26,67,000
		Capital 1,81,77,000		1,81,77,000
97.	Urban Development	Revenue 15,29,80,000		15,29,80,000
		Capital 7,16,67,000		7,16,67,000
98.	Compensations, Assignment and tax collection charges	Revenue 8,47,87,000	2,07,81,000	10,55,68,000
99.	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue 37,71,000		37,71,000
		Capital 30,55,000		30,55,000
100.	Youth-Services and Cultural Activities Department	Revenue 10,50,000		10,50,000
101.	Youth Services and Cultural Activities	Revenue 2,80,84,000		2,80,84,000

No.of Vote/ Appro- priation.	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.
102.	Other expenditure pertaining to Capital Youth Services and Cultural Activities Department	17,50,000	..	17,50,000
	Total	Revenue 18,53,68,03,000	3,92,57,88,000	22,46,25,91,000
		Capital 5,14,58,33,000	4,46,94,55,000	9,61,52,88,000
	Grand Total	23,68,26,36,000	8,39,52,43,000	32,07,78,79,000

(C)



The Gujarat Government Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XXXV]

THURSDAY, MARCH 31, 1994/CAITRA 10, 1916

Separate paging is given to this Part in order that it
may be filed as a separate compilation.

PART—IV**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.****INFORMATION, BROADCASTING AND TOURISM DEPARTMENT**

Sachivalaya, Gandhinagar, Dated the 31st March, 1994.

GUJARAT ORDINANCE NO. 1 OF 1994.**AN ORDINANCE***further to amend the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977.*

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. *Short title and commencement.*-- (1) This Ordinance may be called the Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Ordinance, 1994.

- (2) It shall come into force on the 1st April, 1994.

2. *Guj. 24 of 1977 to be temporarily amended.*-- During the period of operation of this Ordinance, the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977 (hereinafter referred to as "the principal Act") shall have effect subject to the amendment specified in section 3.

Guj. 24
of 1977.Guj. 24
of 1977.

3. Amendment of section 2 of Guj. 24 of 1977.— In the principal Act, in section 2,—

(1) for clause (d), the following clause shall be substituted, namely :—

“(d) ‘hotel’ means a building or part of a building where lodging accommodation with or without board is provided and includes a club, lodging house, gymkhana, inn, motel, public house or any place, where residential accommodation is provided for a monetary consideration ;”.

(2) in clause (e), for the words “not less than thirty five rupees”, the words “more than one hundred rupees” shall be substituted.

STATEMENT

Under the existing provisions of the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977, the clubs, gymkhanas and such other institutions though providing facility of accommodation of lodging for monetary consideration are not covered by the term ‘hotel’ and thereby Government loses revenue. In order to bring more revenue to the State Exchequer, it is considered necessary to widen the scope of the term ‘hotel’ defined in section 2 of the Act.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,
Dated the 31st March, 1994.

SARUP SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

G. SUBBARAO,
Additional Chief Secretary to Government.

(C)



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THURSDAY, MARCH 31, 1994/CAITRA 10, 1916

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separate compilation.

P A R T—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

HOME DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 31st March, 1994.

GUJARAT ORDINANCE NO. 2 OF 1994.

AN ORDINANCE

further to amend the Bombay Motor Vehicles Tax Act, 1958.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

Bom.
LXV of
1958.

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bombay Motor Vehicles Tax Act, 1958;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 1994.

(2) It shall come into force at once.

Bom.
LXV of
1958.

2. *Bom. LXV of 1958 to be temporarily amended.*—During the period of operation of this Ordinance, the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as “the principal Act”) shall have effect subject to the amendments specified in sections 3, 4 and 5.

3. *Amendment of section 3A of Bom. LXV of 1958.*—In the principal Act, in section 3A, the following Explanation shall be added at the end, namely:—

“*Explanation.*—For the purposes of this section, ‘luxury designated omnibus’ means any omnibus having seating layout of two and two or one and three or one and two or one and one on either side with a gangway of any width in between even though any one raw of seats in such omnibus consists of more than four seats.”

4. *Amendment of section 20 of Bom. LXV of 1958.*—In the principal Act, in section 20,—
 (I) in sub-section (1), after the words “Kutch area of the State of Bombay”, the words, brackets, figures and letters “and subject to the provisions of sub-sections (1A), (1B), (1C), (1D), (1E) and (1F)” shall be inserted;

(2) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1) and the provisions of the Tolls on Roads and Bridges Act, 1875, but subject to the provisions of sub-sections (1B), (1C), (1D), (1E) and (1F), the State Government may levy toll on motor vehicles and trailers drawn by such vehicles passing over—

(a) any bridge including an approach road thereto or section of a new road or by-pass which is constructed, reconstructed, improved, or as the case may be, repaired by the State Government or by any person at his expense after the commencement of the Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 1994 and the total capital outlay of construction, reconstruction, improvements or repairs, of which is not less than fifty lakhs of rupees; or,

(b) any bridge including an approach road thereto or section of new road or by-pass, which, in the opinion of the State Government, is of special service to the public.

Explanation.—For the purposes of this section,—

(i) the expression “capital outlay” shall include the anticipated cost of certain essential ongoings or imminent works like improvements, strengthening, widening, structural repairs and maintenance.

(ii) the expression “person” shall include any company or association or body of individuals, whether incorporated or not or a firm.

(iii) for the removal of doubt, it is hereby clarified that the expression ‘constructed’ shall include a bridge including an approach road thereto or section of new road or by-pass which is ready for use.

(1B) The toll levied under sub-section (1A) shall be levied at such rate, for such period and on such bridges including an approach road thereto or section of new road or by-pass as the State Government may from time to time, by notification in the *Official Gazette*, declare:

Provided that not more than the capital outlay, interest thereon at such rate as the State Government may fix and the expenses of collection of toll shall be levied and collected under this section:

Provided further that when the bridge including an approach road thereto or section of a new road or by-pass is constructed, reconstructed, improved or as the case may be, repaired by a person other than the State Government, not more than the capital outlay, return on investment at such rate as the State Government may fix and the expenses of collection of toll shall be levied and collected under this section.

(1C) When the toll leviable under sub-section (1A) on any bridge including an approach road thereto or section of a new road or by-pass which is constructed, reconstructed, improved or as the case may be, repaired,—

(i) by the State Government, the State Government itself or through an agent authorised by it in this behalf;

(ii) by any person, such person or his servants,

shall collect the toll on such terms and conditions and in such manner as may be prescribed.

(1D) Where any additional bridge, being the bridge on or below the same stream, river or creek or road or rail-track including any approach road thereto is constructed as

Bom.
III of
1875.

Guj. Ord.
2 of 1994.

augmentation of the facility of the use of the existing bridge including an approach road thereto then the network of such bridge including an approach road thereto shall be deemed to be one single entity for the purpose of levy of toll, so however that not more than the capital outlay of such additional bridge including an approach road thereto and the expenses of collection of toll shall be recovered.

(1E) The motor vehicles and trailers drawn by such vehicles liable to pay the toll under sub-section (1A) of this section shall not be allowed to pass over the bridge including an approach road thereto or section of a new road or by-pass unless the toll is paid and the State Government or the agent authorised by the State Government or as the case may be, by a person referred to in sub-section (1C) shall have power to prevent such vehicles from passing over the bridge.

(1F) (i) All motor vehicles and trailers drawn by such vehicles used by or on behalf of the State Government or the Central Government shall be exempted from the payment of toll.

(ii) Subject to such condition as it may impose, the State Government may, if it considers necessary so to do in the public interest, by notification in the *Official Gazette*, exempt any specified class or classes of motor vehicles and trailers drawn by such vehicles from the payment of toll under this section.”;

(3) in sub-section (2), for the words, brackets and figure “sub-section (1)”, the words, brackets, figures and letters “sub-sections (1), (1A), (1B), (1C), (1D) (1E), (1F)” shall be substituted;

(4) in the marginal note, after the words “motor vehicles”, the words “except in certain exigencies” shall be added.

5. *Amendment of section 23 of Bom. LXV of 1958.* — In the principal Act, in section 23, in sub-section (2), after clause (l), the following clause shall be inserted, namely:—

“(m) to prescribe the terms and conditions and the manner of collection of toll;”.

STATEMENT

The existing section 3A of the Bombay Motor Vehicles Tax Act, 1958 provides for different rates of tax for ordinary designated omnibus and luxury or tourist designated omnibus. The tax on the luxury or tourist designated omnibus is higher than ordinary omnibus. The expression "luxury omnibus" is not defined either in the Motor Vehicles Act, 1988 or in the said Bombay Act. Therefore, omnibus which is generally known as luxury bus and which conforms to the specifications prescribed for tourist vehicles under the Central Act is taxed at the rates specified for luxury omnibus. It is noticed that the operators of the omnibus modify slightly the specifications prescribed for tourist vehicles in their vehicles and thereby evade the tax payable at the higher rates applicable to the luxury omnibus. In order to leave no scope for evasion of tax levied on luxury omnibus, it is considered necessary to define the said expression by inserting Explanation in section 3A of the Act.

In view of the rapid development of industries in the State of Gujarat, it has become necessary to improve and upgrade the means of communication in the State. It is therefore, necessary to construct new bridge including approach roads, by-passes, section of a new road and to improve the riding quality of the existing roads to meet with the requirements of the heavy industrial traffic and other increased voluminous traffic in the State. Keeping in view the limited financial resources of the State, it is considered necessary to levy toll on motor vehicles and trailers drawn by such vehicles passing over bridge including approach roads thereto, section of a new road or by-passes which are constructed, reconstructed, improved or repaired after the commencement of the Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 1994 and the total capital outlay of which construction, re-construction, improvements, or repairs is more than fifty lakhs rupees or which are considered to be of special service to the public. It is therefore, considered expedient to amend section 20 of the Bombay Motor Vehicles Tax Act, 1958 to levy toll to the extent of the recovery of the capital outlay and interest thereon. When the bridge is constructed by a person other than the State Government, a provision is also made to empower him to collect toll by such person not only to the extent of recovery of capital outlay but also of the return on investment made by such person. A provision is made to exempt all motor vehicles and trailers drawn by such vehicles used by or on behalf of State Government or the Central Government or such other vehicles as may be notified by the State Government. In this regard, a Bill called the Bombay Motor Vehicles Tax (Gujarat Amendment) Bill, 1994 was introduced in the Gujarat Legislative Assembly on 15th February, 1994 but could not be taken up for consideration by the House for want of time.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar,

Dated the 31st March, 1994.

SARUP SINGH,

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

C. R. BISWAS,
Secretary to Government.



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THURSDAY, MARCH 31, 1994/CAITRA 10, 1916

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P A R T—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

FINANCE DEPARTMENT

Sachivalaya, Gandhinagar, dated the 31st March, 1994.

GUJARAT ORDINANCE NO. 3 OF 1994.

AN ORDINANCE

further to amend the Gujarat Sales Tax Act, 1969.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

Guj. 1
of 1970.
AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Sales Tax Act, 1969;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Sales Tax (Amendment) Ordinance, 1994.

(2) This section and section 10 shall come into force at once and the remaining sections of this Ordinance shall come into force on the 1st April, 1994.

Guj. 1
of 1970.
2. *Guj. I of 1970 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Sales Tax Act, 1969 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 19.

3. Amendment of section 3A of Guj. I of 1970.—In the principal Act, in section 3A, in sub-section (5), for the words "five paise", the words "ten paise" shall be substituted.

4. Amendment of section 7 of Guj. I of 1970.—In the principal Act, in section 7, the words, brackets and figure "of sub-section (1)" occurring at two places shall be deleted.

5. Amendment of section 10A of Guj. I of 1970.—In the principal Act, in section 10A,—

(1) in sub-section (1),—

(a) the words, brackets, letter and figures "except the dealer referred to in sub-clause (f) of clause (10) of section 2" shall be deleted;

(b) the words, brackets and figures "and also goods wholly or partially exempt from payment of tax under sub-section (2) of section 49" shall be deleted;

(2) after sub-section (1) but before the table, the following sub-section shall be inserted, namely:—

"(1A) Where the turnover of all specified sales by any dealer liable to pay tax under section 3A has first exceeded rupees fifty lakhs or the aggregate of the turnover of all specified sales and the turnover of all sales by any dealer liable to pay tax under both the sections 3 and 3A has first exceeded rupees fifty lakhs, in any year in which the Gujarat Sales Tax (Amendment) Ordinance, 1994 comes into force, and every year thereafter, there shall be levied a turnover tax on taxable turnover of specified sales or the aggregate of taxable turnover of all specified sales and the taxable turnover of all sales effected by him of all taxable goods at the rates specified in the table below.";

Guj.
Ord. 3
of 1994.

(3) in sub-section (4), for the words "the turnover of all sales", the words "the turnover of all sales, the turnover of all specified sales or, as the case may be, the aggregate of turnover of all specified sales and the turnover of all sales" shall be substituted;

(4) the following explanation shall be added at the end, namely :—

"Explanation.—For the purposes of this section,—

(1) the expression "taxable turnover" means turnover of taxable goods as derived after deductions made under sub-section (2); and

(2) the expression "taxable goods" means the goods which are taxable under this Act or which would have been taxable under this Act but for exemption granted under sub-section (2) of section 49."

6. Amendment of section 12 of Guj. I of 1970.—In the principal Act, in section 12,—

(1) in clause (1),—

(a) in sub-clause (b), the word "or" shall be added at the end;

(b) after sub-clause (b), the following sub-clause shall be inserted, namely :—

"(aa) that the goods are purchased by him for resale in the course of inter-State trade or commerce and that such goods will be resold within six months from the date of such purchase by himself.";

(2) in clause (2),-

(a) in sub-clause (c), the word "or" shall be added at the end;

(b) after sub-clause (c), the following sub-clause shall be inserted, namely :-

"(aa) that the goods are purchased on behalf of his principal who is a licensed dealer for resale in the course of inter-State trade or commerce and that such goods will be resold by the principal himself in the course of inter-State trade or commerce within six months from the date of such purchase by the commission agent.".

7. *Substitution of section 13 of Guj. I of 1970.*— In the principal Act, for section 13, the following section shall be substituted, namely :—

"No deduction from turnover except on a certificate.

13. There shall not be deducted from the turnover of sales, sales of goods to a licensed dealer, recognised dealer or to a commission agent holding a permit purchasing on behalf of his principal, as provided in section 7 or 8 unless -

(A) the licensed dealer,—

(i) certifies in the prescribed form that the goods are purchased for resale in the course of export out of the territory of India within six months from the date of such purchase by himself; or

(ii) certifies in the prescribed form that the goods specified in Schedule II-Part B are intended,

(a) for resale by him within the State of Gujarat otherwise than in the course of inter-State trade or commerce or export out of the territory of India within six months from the date of such purchase;

(b) for resale by him in the course of export out of the territory of India within six months from the date of such purchase; or

(B) the recognised dealer certifies in the prescribed form that the goods other than prohibited goods sold to him are goods purchased by him for use by him as raw or processing materials or as consumable stores in the manufacture of taxable goods for sale by him; or

(C) the commission agent certifies in the prescribed form that the goods are purchased on behalf of his principal who -

(i) is a licensed dealer -

(a) and the goods will be resold by the principal himself in the course of export out of the territory of India within six months from the date of such purchase by the commission agent; or

(b) who will resell the goods specified in Schedule II-Part B,—

(i) within the State of Gujarat otherwise than in the course of inter-State trade or commerce or export out of the territory of India within six months from the date of such purchase; or

(ii) in the course of export out of the territory of India within six months from the date of such purchase;

or

(ii) is a recognised dealer, and the goods purchased being goods other than prohibited goods will be used by the principal as raw or processing materials or as consumable stores in the manufacture of taxable goods for sale, and that the commission agent will despatch the goods to his principal or to the principal's order within three months from the date of such purchase by the commission agent."

8. Amendment of section 19A of Guj. I of 1970.—In the principal Act, in section 19A,—

(1) in sub-section (2), after the words "other than this section", the words, figures and letter "and section 15B" shall be inserted;

(2) the following explanation shall be added at the end, namely :—

"Explanation.— For the purposes of this section, the expression "Oil cakes" shall mean oil cakes other than cotton seed oil cakes."

9. Insertion of new section 30AA in Guj. I of 1970.—In the principal Act, after section 30A, the following new section shall be inserted, namely:—

Cancellation
of certificate
of registration
in
certain
circum-
stances.

30AA. Where a Registered dealer without entering into a transaction of sale issues to another Registered dealer a bill or cash memorandum with the intention to defraud the Government revenue or with the intention that the Government may be defrauded of its revenue, the Commissioner may, after making such inquiry as he thinks fit and giving a reasonable opportunity of being heard, cancel the certificate of registration of the Registered dealer issuing or accepting such bill or cash memorandum either prospectively or retrospectively from such date as the Commissioner may, having regard to the circumstances of the case, fix :

Provided that notwithstanding the cancellation of a certificate of registration under this section,—

(a) the liability of the dealer shall continue in respect of any tax, penalty or interest for any period prior to the date of the order of the Commissioner cancelling the certificate of registration;

(b) where a dealer, who has purchased goods from the dealer whose certificate of registration is cancelled under this section at any time during the period commencing on the date of cancellation and ending on the date of the order of Commissioner cancelling the certificate of registration, proves to the satisfaction of the Commissioner that the tax due in respect of goods sold to him has been paid, such purchase of goods shall be deemed to have been made from a registered dealer."

10. Substitution of section 42 of Guj. I of 1970.—In the principal Act, for section 42, the following section shall be substituted, namely:—

Time Limit
for comple-
tion of as-
essment.

42(1). Where the Commissioner issues a notice under sub-section (6) of section 41 to any dealer for assessment of tax in respect of any period, no order of assessment shall be made for such part of the period, if any, as is prior to,—

(a) a period of eight years ending on the last date of the year immediately preceding the year in which such notice is issued, in a case where the Commissioner has reason to believe that such dealer has failed to apply for registration with intention to defraud Government revenue; and

(b) a period of four years ending on the last date as aforesaid, in any other case.

(2) Where a fresh assessment is required to be made in pursuance of any order under section 65, 67 or 69 or in pursuance of an order of any court or authority, such fresh assessment shall be made at any time within three years from the date of such order:

Provided that in computing the period of limitation any period during which assessment proceedings are stayed by an order or injunction of any court or authority shall be excluded."

11. *Amendment of section 44 of Guj. I of 1970.*—In the principal Act, in section 44, the third proviso shall be deleted.

12. *Amendment of section 47 of Guj. I of 1970.*—In the principal Act, in section 47,

(1) in sub-section (4A), in the proviso, clause (ii) shall be deleted;

(2) after sub-section (4A), the following sub-section shall be inserted, namely:—

"(4B) Where a dealer is liable to pay interest under sub-section (4A) and he makes payment of an amount which is less than the aggregate of the amount of tax, the amount of penalty and the amount of interest, the amount so paid shall be first applied towards the amount of interest, thereafter the balance, if any, towards the amount of penalty and thereafter the balance, if any, towards the amount of tax."

13. *Amendment of section 50 of Guj. I of 1970.*—In the principal Act, in section 50, for the proviso, the following shall be substituted, namely:—

"Provided that the provisions of the proviso to sub-section (2) of section 42 shall mutatis mutandis apply to computation of period of limitation specified in this section."

14. *Amendment of section 54 of Guj. I of 1970.*—In the principal Act, in section 54, in sub-section (1), in clause (aa),—

(1) after the words and figures "assessment under section 41", the words "for the specified year" shall be and shall be deemed always to have been inserted with effect on and from 1st April, 1993;

(2) the following explanation shall be and shall be deemed always to have been added at the end with effect on and from the 1st April 1993, namely :—

"Explanation.—For the purposes of this clause, the expression "specified year" means —

(i) the financial year commencing on and from the 1st April 1993;

(ii) the calender year commencing on and from the 1st January 1993;

(iii) samvat year 2049 commencing from the *kartak sud akam*, or

(iv) any such year thereafter."

15. Amendment of section 66 of Guj. I of 1970.—In the principal Act, in section 66, clause (4) shall be deleted.

16. Amendment of section 75 of Guj. I of 1970.—In the principal Act, in section 75, in sub-section (1), for the words "two thousand rupees", the words "twenty thousand rupees" shall be substituted.

17. Amendment of Schedule I of Guj. I of 1970.—In the principal Act, in Schedule I,—

(i) for the entry at serial No. 14, the following entry shall be substituted, namely :—

1	2	3
14	Cattle-feed including fodder, concentrates and cotton seed oil cakes but excluding cotton seeds, other oil cakes and de-oiled cakes.	

(ii) in the entry at serial No. 15A, in column 2, after the words "doors and windows", the words "handmade papda and pidhia" shall be added.

18. Amendment of Schedule II, Part A to Guj. I of 1970.—In the principal Act, in Schedule II, in Part A,—

(i) after the entry at serial No. 16, the following new entry shall be added, namely:—

1	2	3	4
16A	Cast iron castings	four paise in the rupees	four paise in the rupee

(ii) in the entry at serial No. 35, in columns 3 and 4, for the words "twenty one paise", the words "twenty-five paise" shall be substituted.

(iii) in the entry at serial No. 74, in columns 3 and 4, for the words "seven paise", the words "four paise" shall be substituted.

19. Amendment of Schedule III to Guj. I of 1970.—In the principal Act, in Schedule III, after the entry at serial number 16, the following new entry shall be added, namely :—

"17. All goods other than those specified in Schedule I and in the preceding entries."

STATEMENT

With a view to augmenting the financial resources of the State, preventing evasion of tax by removing certain lacunae in the Gujarat Sales Tax Act, 1969 and thereby bringing more revenue to State Exchequer and giving certain reliefs in the payment of tax, it is expedient to amend the provisions of the said Act. An opportunity is taken to amend the other provisions of the said Act streamlining the levy and recovery of the tax.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar,
Dated the 31st March, 1994.

SARUP SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

S. K. SHELAT,
Principal Secretary to Government.



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Separate paging is given to this Part in order that it
may be filed as a separate compilation.

PART-IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

REVENUE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 31st March, 1994.

GUJARAT ORDINANCE NO. 4 OF 1994.**AN ORDINANCE**

further to amend the Bombay Stamp Act, 1958.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session ;

Bom. LX
of 1958.
AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate action to amend the Bombay Stamp Act, 1958 ;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

Bom. LX
of 1958.
1. *Short title and commencement.—(1) This Ordinance may be called the Bombay Stamp (Gujarat Amendment) Ordinance, 1994.*

(2) This section shall come into force at once and the remaining provisions of this Ordinance shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Bom. LX of 1958 to be temporarily amended.—During the operation of this Ordinance, the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 12.*

3. *Amendment of section 2 of Bom. LX of 1958.—In the principal Act, in section 2,—*

(1) After clause (dd), the following new clause shall be inserted, namely :—

"(e) "clearance list" means a list of transactions relating to contracts required to be submitted to the clearing house of an association in accordance with the rules or bye-laws of the association :

Provided that no instrument shall, for the purposes of this Act, be deemed to be a clearance list unless it contains the following declaration signed by the person dealing in such transaction or on his behalf by a properly constituted attorney, namely:-

"I/We hereby solemnly declare that the above list contains a complete and true statement of my/our transactions including crossed out transactions and transanctions required to be submitted to the clearing house in accordance with the rules/bye-laws of the association. I/We further declare that no transaction for which an exemption is claimed under Article 5 or Article 39 in Schedule I to the Bombay Stamp Act, 1958, as the case may be, is omitted".

Bom. LX
of 1958.

*Explanation.-*For the purpose for this clause, transaction shall include both sale and purchase." ;

(2) for clause (g), the following clause shall be substituted, namely :—

"(g) "conveyance" includes,—

(i) a conveyance on sale,

(ii) every instrument,

(iii) every decree or final order of any Civil Court ; or

(iv) every order made by the High Court under section 394 of the Companies Act, 1956 in respect of amalgamation of companies, I of 1956.

by which property, whether movable or immovable, or any estate or interest in any property is transferred to, or vested in, any other person, *inter vivos*, and which is not otherwise specifically provided for by Schedule I;

*Explanation I.—*For the purpose of this clause, an instrument whereby a co-owner of any property transfers his interest to another co-owner of the property and which is not an instrument of partition shall be deemed to be an instrument by which property is transferred *inter vivos* ; ;

(3) after clause (j), the following new clause shall be inserted; namely :—

"(ja) "immovable property" includes land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth." ;

(4) in clause (la),—

(i) after the words "any movable", the words "or immovable" shall be inserted;

(ii) for the words "such gift", the words "such oral gift" shall be substituted;

(5) in clause (n),—

(i) for the word "immovable", the words "movable or immovable or both" shall be substituted ;

(ii) after sub-clause (iv), the following sub-clause shall be inserted, namely :—

"(v) a decree or final order of any Civil Court in respect of a lease :

Provided that where subsequently an instrument of lease is executed in pursuance of such decree or order, the stamp duty, if any, already paid and recovered on such decree or order shall be adjusted towards the total duty leviable on such instrument;”;

(6) after clause (p), the following new clause shall be inserted, namely :—

“(pa) “movable property” includes standing timber, growing crops and grass, fruits upon and juice in trees and property of every other description, except immovable property, by which any right or liability is or is purported to be created, transferred, limited, extended, extinguished or recorded ;”.

4. *Amendment of section 3A of Bom. LX of 1958.*—In the principal Act, in section 3A, after the word “executed”, the words “in respect of the property situated” shall be inserted.

5. *Amendment of section 17 of Bom. LX of 1958.*—In the principal Act, in section 17, for the words “at the time of execution”, the following shall be substituted, namely :—

“at the time of execution or immediately thereafter on the next working day following the day of execution :

Provided that the clearance list described in Articles 18A, 18B, 18C, 18D or 18 E of Schedule I may be stamped by an officer authorised by the State Government by rules made under this Act, if such clearance list is submitted for stamping by the clearing house of an Association in accordance with its rules and bye-laws with the requisite amount of stamp duty, within two months from the date of its execution.”.

6. *Amendment of section 30 of Bom. LX of 1958.*—In the principal Act, in section 30,—

(i) in clause (e), the word “and” shall be deleted ;

(ii) in clause (f), the word “and” shall be inserted at the end ;

(iii) after clause (f), the following clause shall be inserted, namely :—

“(g) in any other case, by the person executing the instrument.”.

7. *Amendment of section 31 of Bom. LX of 1958.*—In the principal Act, in section 31, in sub-section (1), for the words “not exceeding twenty five rupees and not less than five rupees”, the words “not exceeding one hundred rupees and not less than twenty-five rupees” shall be substituted ;

8. *Amendment of section 32A of Bom. LX of 1958.*—In the principal Act, in section 32A,—

(I) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Every instrument of conveyance, exchange, gift, certificate of sale, partition, partnership, settlement, power of attorney to sell immovable property when given for consideration or transfer of lease by way of assignment presented for registration under the provisions of Registration Act, 1908 shall be accompanied by a true copy thereof; and if an officer registering such instrument under the aforesaid Act or any person referred to in section 33 before whom such instrument is produced or comes in the performance of his functions, has reason to believe that the consideration setforth therein does not approximate to the market value of the property which is the subject matter of such instrument, or, as the case may be, the market value of the property which is the subject matter of such instrument has not been truly setforth therein, he may either before or after registering the instrument or as the case may be, performing his functions in respect of such instrument refer the instrument or true copy thereof to the Collector of such district in which either the whole or any part of the property is situated for determining the true market value of such property and the proper duty payable on the instrument under this section.”;

(2) in sub-section (2), for the words and figures "section 31 or", the words and figures "section 31 or instrument or true copy of instrument under" shall be substituted;

(3) in sub-section (3), after the words "of two hundred and fifty rupees", the words "or the amount of the proper duty or of the deficient portion thereof whichever is less" shall be inserted;

(4) in sub-section (4), for the words "two years", the words "six years" shall be substituted.

9. Substitution of section 46 of Bom. LX of 1958.--In the principal Act, for section 46, the following section shall be substituted, namely:--

"46. (1) where any person required to pay any amount of duty, penalty or other sums under this Act does not pay the same within the time prescribed for its payment, he shall be liable to pay simple interest at the rate of twenty-four per cent. per annum on such amount or on any less amount thereof for the period for which such amount remains unpaid.

Recovery
of duties,
penalties
and
interest.

(2) All duties, penalties, interest and other sums required to be paid under this Act may be recovered by the Collector by distress and sale of the movable or immovable property of the person from whom the same are due, or as an arrears of land revenue.".

10. Amendment of section 53 of Bom. LX of 1958.--In the principal Act, in section 53, in sub-section (1), after the word and letters "Chapter III" the words, letters, brackets and figures "except sub-section (3) of section 32A" shall be inserted ;

11. Insertion of new section 53 A in Bom. LX of 1958.--In the principal Act, after section 53, the following new section shall be inserted, namely:--

"53A. (1) Notwithstanding anything contained in sub-section (3) of section 32, sub-section (3) of section 32-A, sub-section (2) of section 39 and sub-section (2) of section 41, when through mistake or otherwise any instrument is charged with less duty than leviable thereon, or is held not chargeable with duty, as the case may be, by the Collector, the Chief Controlling Revenue Authority may, within a period of six years from the date of certificate of the Collector under sections 32, 32A, 39 or 41, as the case may be, required the concerned party to produce before him the instrument and, after giving a reasonable opportunity of being heard to the party, examine such instrument whether any duty is chargeable or any duty is less levied thereon and pass an order for recovery of the deficit duty, if any, from the concerned party. An endorsement shall thereafter be made on the instrument after payment of such deficit duty.

Revision of
Collector's
decision
under sec-
tions 32,
32A, 39
and 41.

(2) On failure to produce the original instrument by the party, the Chief Controlling Revenue Authority shall proceed under this section on the basis of the true copy or an abstract of the instrument filed with the Collector and such true copy or abstract shall be deemed to be the original instrument for the purposes of this section.".

12. Amendment of Schedule I to Bom. LX of 1958.--In the principal Act, in Schedule I,—

(1) in Article 5,—

(i) in the heading, after the words "MEMORANDUM OF AN AGREEMENT", the words "OR ITS RECORDS" shall be inserted;

(ii) in clause (h), under heading "exemption", after the words "Memorandum of Agreement", the words "or its records" shall be inserted ;

(2) in Article 6, in clause (2), in sub-clause (a), for items (i) to (viii), the following items shall be substituted, namely:—

(i) where the amount of loan or debt does not exceed Rs. 15,00,000. Fifty paise for every hundred rupees or part thereof.

(ii) where it exceeds Rs. 15,00,000. One rupee for every hundred rupees or part thereof.”;

(3) in Article 18, for the words, “Five rupees”, the words “Two rupees” shall be substituted;

(4) after Article 18, the following new Articles shall be inserted, namely:—

***18A. (1)** CLEARANCE LIST, relating to the transactions for the purchase or sale of Government securities submitted to the clearing house of a stock exchange. The sum of duties payable under Article 5 (b) or 39 (g), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.

(2) CLEARANCE LIST, relating to the transactions for the purchase or sale of a share, script, stock, bond, debenture, debenture-stock or other marketable security or a like nature in or of an incorporated company or other body corporate submitted to the clearing house of a stock exchange whether recognised or not under the Securities Contracts (Regulation) Act, 1956. The sum of duties payable under Article 5 (c) (i) or 39 (f), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.

18B. CLEARANCE LIST, relating to the transactions for the purchase or sale of cotton submitted to the clearing house of a Cotton Association. The sum of duties payable under Article 5 (d) or 39 (a), as the case may be, in respect of each of the entries in such list on the units of transactions or part thereof.

18C. CLEARANCE LIST relating to the transactions for the purchase or sale of bullion or species submitted to the clearing house of a Bullion Association. The sum of duties payable under Article 5(e) or 39(b), as the case may be, in respect of each of the entries in such list on the units of transactions or part thereof.

18D. CLEARANCE LIST, relating to the transactions for the purchase or sale of oil seeds submitted to the clearing house of Oil Seed Association. The sum of duties payable under Article 5 (f) or 39 (c), as the case may be, in respect of the entries in such list on the units of transactions or part thereof.

18E. CLEARANCE LIST, relating to the transactions for the purchase or sale of yarn of any kind, non-mineral oil or spices of any kind. The sum of duties payable under Article 5 (g) or 39 (d), as the case may be, in respect of the entries in such list on the units of transactions or part thereof.”;

(5) in Article 20,—

(1) after clause (b), the following new clause shall be inserted, namely :—

“(c) CONVEYANCE (not being a transfer charged or exempted under Article No. 56) of the property which is subject matter of the conveyance so far it relates to premises—

The same duty as is leviable under Article 20(b).;

(i) of a Corporation formed and registered under the Bombay Non-Trading Corporations Act, 1959; or

Bom. xxvi
of 1959.

(ii) of a Board constituted under the Gujarat Housing Board Act, 1961, or the Gujarat Rural Housing Board Act, 1972; or

Guj. xxviii
of 1961.
Guj. 22 of
1972.

(iii) to which provisions of the Gujarat Ownership Flats Act, 1973 apply

Guj. 13 of
1973.

by such Corporation, Board, Society, Company or as the case may be, Association in favour of its member or as the case may be, allottee (whether in consequence of purchase of his share or not) or by such member or as the case may be, allottee in favour of another member or allottee (whether in consequence of transfer of his share to another member or, as the case may be, allottee or not).”;

(2) The existing explanation shall be re-numbered as explanation II and before explanation II as so re-numbered, the following explanation shall be inserted, namely :—

Explanation I.—For the purposes of this Article, an agreement to sell an immovable property or an irrevocable power of attorney shall, in case of transfer of the possession of such property before, at the time of, or after the execution of such agreement or power of attorney, be deemed to be a conveyance and the stamp duty thereon shall be chargeable accordingly:

Provided that the provisions of section 32 A shall apply *mutatis mutandis* to such agreement or power of attorney as are applicable to a conveyance :

Provided further that where subsequently a conveyance is executed in pursuance of such agreement of sale, or an irrevocable power of Attorney, the stamp duty, if any, already paid and recovered on the agreement of sale or an irrevocable power of Attorney which is deemed to be a conveyance, shall be adjusted towards the total duty leviable on the conveyance.”;

(6) in Article 21, for the words “Ten rupees”, the words “Twenty rupees” shall be substituted;

(7) in Article 25, for the words “Fifty rupees”, the words “Five hundred rupees” shall be substituted;

(8) for Article 27, the following shall be substituted, namely :—

“27. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—

(a) when the original mortgage is one of the description referred to in clause (a) of Article 36 (that is, with possession).

The same duty as is leviable on a conveyance under Article 20(a) for the amount of further charge secured by such instrument.

(b) when such mortgage is one of the description referred to in clause (b) of Article 36 (that is, without possession)-

(i) if at the time of execution of the instrument of further charge possession of the property is given under such instrument.

Eight rupees for every Rs. 100 or part thereof for the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.

(ii) if possession is not so given.

Three rupees for every Rs. 100 or part thereof for the amount of the further charge secured by such instrument.”;

(9) in Article 31, for the words “Five rupees”, the words “Two rupees” shall be substituted;

(10) in Article 32, for the words “Forty rupees”, the words “Sixty rupees” shall be substituted;

(11) in Article 35, in clause (a), for the words “One hundred rupees”, the words “One thousand rupees” shall be substituted;

(12) in Article 36,—

(1) in clause (a),—

(i) the words “or is not” shall be deleted:

(ii) in column 2, after the words “conveyance under”, the words, brackets and letter “clause (a) of” shall be inserted;

(2) the existing clause (b) shall be re-lettered as clause (c) of that Article and before clause (c) as so re-lettered, the following clause shall be inserted, namely :—

“(b) when possession of [the property or any part of the property comprised in such deed is not given or not agreed to be given.

Three rupees for every Rs. 100 or part thereof for the amount secured by such deed.

Explanation.—A mortgager who gives to the mortgagee a power of attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this Article.”;

(13) in Article 45,—

(1) in clauses (a), (b) and (c), in column (2), for the words “Ten rupees”, the words “Twenty rupees” shall be substituted;

(2) clause (g) shall be re-lettered as clause (h) of that Article and before clause (h) as so re-lettered, the following clause shall be inserted, namely :—

"(g) When given for consideration with the right to sell an immovable property, or when given, with or without consideration, to a promoter or a developer by whatever name called, for construction or development of, or sale or transfer (in any manner whatsoever) of, any immovable property, or when given, with or without consideration, irrevocable transferring the possession of any immovable property ;

The same duty as is leviable on a conveyance under Article 20 for the amount of the consideration or, as the case may be, market value of the immovable property whichever is greater";

(3) in clause (h), as so re-lettered, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(4) for the existing N.B. and the explanation below the Article, the following shall be substituted, namely :—

"Explanation I.—For the purposes of this Article, more persons than one when belonging to the same firm shall be deemed to be one person.

Explanation II.—The term 'registration' includes every operation incidental to registration under the Registration Act, 1908.

Explanation III.—Where, under clause (g), duty has been paid on the power of attorney, and a conveyance relating to that property is subsequently executed in pursuance of the power of attorney between the executant of the power of attorney and the person in whose favour it is executed, the duty on conveyance shall be the duty calculated on the market value of the property reduced by duty paid on the power of attorney.";

(14) in Article 57,—

(1) in column 1, after the words "under lease", the words "or by way of decree or final order passed by any Civil Court or any Revenue Officer" shall be inserted;

(2) in column 2, for the words and figures "Article 20 for the amount of consideration for the transfer", the words, figures, letter and brackets "Article 20 (a) for the amount of consideration for the transfer or, as the case may be, market value of the immovable property which ever is greater" shall be substituted.

STATEMENT

With a view to augmenting the financial resources of the State, preventing evasion of tax by removing certain lacunae in the Bombay Stamp Act, 1958 and thereby to bring more revenue to State Exchequer, it is expedient to amend the provisions of the said Act. Power is also conferred upon the Chief Controlling Revenue Authority to revise the order passed in certain cases. It is considered necessary to give certain relief in the payment of stamp duty.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar,
Dated the 31st March, 1994.

SARUP SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

R. PARTHASARATHY,
Additional Chief Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

EDUCATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 13th April, 1994.

GUJARAT ORDINANCE NO. 5 OF 1994.

AN ORDINANCE

to establish and incorporate an Open University in the State of Gujarat for the introduction and promotion of the Open University and distance education system in the educational pattern of the State.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS, the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to establish and incorporate an Open University in the State of Gujarat for the introduction and promotion of the Open University and distance education system in the educational pattern of the State:

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

CHAPTER I.

PRELIMINARY.

1. *Short title and commencement.*—(1) This Ordinance may be called the Dr. Babasaheb Ambedkar Open University Ordinance, 1994.

(2) This section shall come into force at once and the remaining provisions of this Ordinance shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(1) “Authorities” means the authorities of the University specified in section 15;

(2) “Academic Planning Board” means the Academic Planning Board of the University constituted under section 17;

(3) “Board of Management” means the Board of Management of the University constituted under section 16;

(4) “Chancellor” means the Chancellor of the University;

(5) “distance education system” means the system of imparting education through any means of communication such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means;

(6) "employee" means any person appointed by the University, and includes teachers and other academic staff of the University;

(7) "Finance Committee" means the Finance Committee of the University constituted under section 18;

(8) "prescribed" means prescribed by the Statutes, Ordinances, Regulations or Rules made under this Ordinance;

(9) "recognised institution" means an institution established for research or specialised studies and recognised as such by the University;

(10) "regional centre" means a centre established or maintained by the University for the purpose of co-ordinating and supervising the work of study centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management;

(11) "school" means a school of studies of the University;

(12) "Statutes", "Ordinances" and "Regulations" means respectively, the Statutes, Ordinances and Regulations of the University made under this Ordinance and for the time being in force;

(13) "student" means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;

(14) "study centre" means a centre established, maintained or recognised by the University for the purpose of advising, counselling, evaluating or for rendering any other assistance required by the students;

(15) "teachers" means professors, readers, lecturers and such other persons as may be designated by the Ordinances for imparting instruction in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University;

(16) "University" means the Dr. Babasaheb Ambedkar Open University established under section 3;

(17) "Vice-Chancellor" means the Vice-Chancellor of the University.

CHAPTER II.

THE UNIVERSITY.

3. Establishment and incorporation of the University.—(1) There shall be established a University by the name of the 'Dr. Babasaheb Ambedkar Open University'.

(2) The headquarters of the University shall be at Ahmedabad, and the University may establish, maintain or recognise institutes, schools, regional centres and study centres at such other places in the State as it may deem fit.

(3) The first Vice-Chancellor, the members of the first Board of Management, the Academic Planning Board and the Finance Committee and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted and declared to be a body corporate by the name of the 'Dr. Babasaheb Ambedkar Open University'; and the University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

4. Objects of the University.—The objects of the University shall be to advance and disseminate learning and knowledge by diversity of means, including the use of any communication technology, to provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community generally to encourage the Open University and distance education system in the education pattern of the State.

5. *Powers of the University.*--The University shall have the following powers, namely:—

- (i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research, advancement and extension ;
- (ii) to plan and prescribe courses of study of degree, diplomas, certificates or for any other purpose ;
- (iii) to hold examination or test and confer degrees and diplomas on, and grant certificates or other academic distinctions or recognitions to persons who have pursued approved course of study in the University or conducted research in the manner laid down by the Statutes and Ordinances ;
- (iv) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes ;
- (v) to withdraw or cancel any degree, diploma or certificate conferred or granted by the University in the manner prescribed by the Statutes ;
- (vi) to determine the manner in which distance education system in relation to the academic programmes of the University may be organised ;
- (vii) to institute professorships, readerships, lecturerships, and other academic posts necessary for imparting instruction or for preparing educational material or for conducting other academic activities, including guidance, designing and delivery of course and evaluation of the work done by the students and to prescribe their qualifications ;
- (viii) to appoint, engage or recognise persons as teachers ;
- (ix) to lay down the courses of instruction for the various examinations ;
- (x) to co-operate with, and seek the co-operation of, other Universities and institutions of higher learning, professional bodies and organisations for such purpose as the University, may determine ;
- (xi) to hold and manage trusts and endowments and institute and award fellowships, scholarships, medals, prizes and such other awards for recognition of merit ;
- (xii) to establish, maintain or recognise such regional centres as may be determined by the University from time to time ;
- (xiii) to establish, maintain or recognise study centres in the manner laid down by the Statutes ;
- (xiv) to inspect regional centres, study centres and recognised institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained in them and that adequate library and laboratory provisions are made therein ;
- (xv) to provide for the preparation of instructional materials including films, cassettes, tapes, video cassettes and other software ;
- (xvi) to organise and conduct refresher courses, workshops, seminars and other programmes for teacher, lesson writers, evaluators and other academic staff ;
- (xvii) to organise common laboratories, libraries, museums and other equipment for teaching and research ;
- (xviii) to recognise examinations of, or periods of study (whether in full or part) at other Universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University, and to withdraw such recognition at any time ;

(xix) to make provision for research and development in educational technology and matters related thereto ;

(xx) to create administrative, ministerial and other posts as the University may deem necessary from time to time and to make appointments thereto;

(xxi) to receive benefications, donations and gifts for educational and other social or national causes and maintain proper accounts thereof;

(xxii) to acquire, hold and manage property both movable and immovable, to lease, sell or otherwise transfer or dispose of any property movable or immovable, which may vest in, or be acquired by it, for the purposes of the University, and to contract and do all other acts and things necessary for the purposes of this Ordinance :

Provided that no such lease, sale or transfer of immovable property shall be made without the prior consent of the State Government :

Provided further that where the State Government is satisfied that any such property may, in the interest of the University, be given on lease, sold or otherwise transferred or disposed of, the State Government shall issue necessary directions to the University and the University shall comply with such directions forthwith ;

(xxiii) to borrow, with the approval of the State Government, whether on the security of the property of the University or otherwise, money for the purposes of the University ;

(xxiv) to enter into, carry out, vary or cancel contracts ;

(xxv) to fix, to demand and receive such fees and other charges, as may be prescribed by the Ordinances ;

(xxvi) to promote, control and maintain discipline among the students of the University ;

(xxvii) to lay down and regulate the salary scales, allowances and other conditions of service of the employees and the members of the teaching, other academic and non-teaching staff of the University and their code of conduct ;

(xxviii) to recognise any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition ;

(xxix) to engage, either on contract or otherwise, visiting professors, emeritus professors, consultants, fellows, scholars, artists, course writers, and such other persons who may contribute to the advancement of the objects of the University ;

(xxx) to conduct, co-ordinate, supervise, regulate and control post-graduate teaching and research work in the University ;

(xxxi) to recognise persons working in other Universities, institutions or organisations as teachers of the University on such terms and conditions as may be laid down by the Ordinances ;

(xxxii) to determine standards and to specify conditions for the admission of students to course of study of the University which may include examination, evaluation and any other method of testing ;

(xxxiii) to take disciplinary action against the students of the University and to impose such punishments upon them as may be deemed fit for breach of discipline or misconduct, within or outside the University including the use of unfair means at an examination or in relation thereto by themselves or by any other persons or abetment thereof ;

(xxxiv) to make arrangements for the promotion of the general health and welfare of the students and the employees;

(xxxv) to do all such other acts as may be necessary or incidental to the exercise of all or any of the powers of the University and conductive to the promotion of the objects of the University.

6. Jurisdiction.—The University shall, in exercise of its powers, have jurisdiction over the whole of the State of Gujarat.

7. University open to all classes, castes and creeds:—(1) The University shall be open to persons of either sex and of whatever race, creed, caste or class and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to sex, race, creed, caste, class or religious belief or profession or political or other opinion in order to entitle him to be appointed as a teacher of the University or to hold any other office or post therein or admitted as a student in the University or to graduate thereat or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privilege of the University or any beneficence thereof.

(2) Nothing in sub-section (1) shall be deemed to prevent the University from making any special provision for the appointment or admission of women or of persons belonging to the weaker sections of the society, and in particular, of persons belonging to the Scheduled Castes or Scheduled Tribes, in accordance with the directives, if any, given from time to time by the State Government.

CHAPTER III.

OFFICERS OF THE UNIVERSITY.

8. Officers of the University.—The following shall be the officers of the University, namely :—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Directors;
- (iv) the Registrars; and
- (v) such other officers in service of the University as may be declared by the Statutes to be officers of the University.

9. The Chancellor and his powers.—(1) The Governor of Gujarat shall be the Chancellor of the University.

(2) The Chancellor shall be competent to call from time to time such information or records relating to any affairs of the University, and the Vice-Chancellor shall furnish the same. It shall also be lawful for the Chancellor, after perusal of such information or records, to give in the interest of the University, directives to the Vice-Chancellor, as he deems fit, and the Vice-Chancellor shall comply with such directives.

(3) Subject to the provisions of sub-sections (4) and (5), the Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipments and of any regional centre or a study centre and so also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(4) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Chancellor determine, representation to him as it may consider necessary.

(5) After considering the representation, if any, made by the University, the Chancellor may cause to be made such inspection or inquiry as referred to in sub-section (3).

(6) Where an inspection or inquiry has been caused to be made by the Chancellor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard at such inspection or inquiry.

(7) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon as the Chancellor may be pleased to offer and on receipt of the address made by the Chancellor, the Vice-Chancellor shall communicate forthwith to the Board of Management the result of the inspection or inquiry and the views of the Chancellor and the advice tendered by him with regard to the action to be taken thereon.

(8) The Board of Management shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken by it on the result of such inspection or inquiry.

(9) Where the Board of Management does not take action to the satisfaction of the Chancellor within a time limit fixed by the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Board of Management, issue such direction as he may think fit and the Board of Management shall be bound to comply with such direction.

(10) The State Government may, whenever it deems fit, cause a like inspection or inquiry to be made in the manner described in sub-sections (2) to (9) and shall have, for the purposes of such inspection or inquiry, all the powers of the Chancellor under the said sub-sections.

10. Vice-Chancellor.—(1) The Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended under sub-section (3) by a Committee appointed for the purpose under sub-section (2).

(2) (a) For the purpose of sub-section (1), the Chancellor shall appoint a Committee which shall consist of the following members, namely :—

(i) one member not connected with the University to be nominated in the manner prescribed by the Statutes by the Board of Management.

(ii) one member to be nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the Universities established by law in the State of Gujarat;

(iii) one member to be nominated by the Chancellor.

(b) The Chancellor shall appoint one of the three members of the committee as its Chairperson.

(3) The Committee so appointed shall within a reasonable time select three persons whom it considers fit for being appointed as Vice-Chancellor and shall recommend to the State Government the names of the persons so selected together with such other particulars as may be relevant :

Provided that as far as possible, the Committee shall not select any such person who if appointed as Vice-Chancellor would cease to hold that office on account of attaining the age of 65 years before completion of the term of three years.

(4) The Vice-Chancellor shall hold office for a term of three years and he shall be eligible for re-appointment to that office for a further term of three years :

Provided that the State Government may require any Vice-Chancellor after his term has expired, to continue in office for such period not exceeding a total period of one year as may be specified by the State Government.

Provided further that no person appointed as vice-Chancellor shall continue to hold office as such after he attains the age of 65 years.

(5) The emoluments to be paid to the Vice-Chancellor, and the terms and conditions subject to which he shall hold office, shall be such as may be prescribed by the Statutes.

11. Powers of the Vice-Chancellor.—The Vice-Chancellor shall be the principal academic and executive officer of the University, and shall exercise the powers of supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(2) Notwithstanding anything contained in this Ordinance, if the Vice-Chancellor is of the opinion that immediate action is necessary on any matter, he may exercise any power conferred on any authority of the University by or under this Ordinance and shall inform to such authority, about the action taken, by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board of Management within ninety days from the date on which such action is communicated to him and thereupon the Board of Management may confirm, modify or reverse the action taken by the Vice-Chancellor.

(3) Notwithstanding anything contained in this Ordinance the Vice-Chancellor, if he is of the opinion that any decision or order of any authority is beyond the powers of the authority conferred on it or is inconsistent with the provisions of this Ordinance, Statutes, Ordinances, Rules or Regulations or that any decision taken is not in the interest of the University or is likely to lead to breach of peace, he may ask the authority concerned to review its decision within sixty days of such decision and if the concerned authority refuses to review its decision either in whole or in part as directed by the Vice-Chancellor or no decision is taken by it within the said period of sixty days, the matter shall be referred to the State Government whose decision thereon shall be final:

Provided that the decision of the authority concerned shall remain in abeyance during the period of review of such decision by the authority or the State Government, as the case may be, under this sub-section.

(4) Where the authority after reconsideration, revises or modifies the decision or order in the manner stated by the Vice-Chancellor, such revised or modified decision or order shall revive from the date of such revision or modification.

(5) It shall be the duty of the Vice-Chancellor to ensure that this Ordinance, the Statutes, Ordinances, Regulations and Rules are faithfully observed and he shall have all powers necessary for this purpose.

(6) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and Ordinances.

12. Directors.—The Directors shall be appointed in such manner, on such emoluments and other conditions of service as may be prescribed by rules made by the State Government and shall exercise such powers and perform such duties and functions, as may be prescribed by the Statutes.

13. Registrar.—(1) The Registrar shall be appointed in such manner, on such emoluments and other conditions of service as may be prescribed by rules made by the State Government.

(2) A Registrar empowered by the Board of Management shall have the power to enter into and sign agreements and contracts and authenticate records on behalf of the University.

(3) The Registrar shall exercise such powers and perform such duties and functions as may be prescribed by the Statutes.

14. Other officers.—The manner of appointment, emoluments, powers and duties of the other officers of the University shall be such as may be prescribed by the Statutes.

CHAPTER IV.

AUTHORITIES OF THE UNIVERSITY.

15. Authorities of the University.—The following shall be the authorities of the University, namely:—

- (i) the Board of Management;
- (ii) the Academic Planning Board;
- (iii) the Finance Committee;
- (iv) such other authorities as may be declared by the Statutes to be the authorities of the University.

16. Board of Management.—(1) The Board of Management shall be the principal executive body of the University.

(2) The constitution of the Board of Management, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

17. Academic Planning Board.—(1) There shall be constituted an Academic Planning Board of the University which shall be the principal academic and planning body of the University. The Board shall be responsible for the maintenance of standards of learning, education, instruction evaluation and examination within the University and shall also be responsible for the monitoring of the developments of the University and shall exercise such powers and perform such other duties and functions as may be conferred or imposed upon it by the Statutes.

(2) The constitution of the Academic Planning Board, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

18. Finance Committee.—The constitution, powers, duties and functions of the Finance Committee shall be such as may be prescribed by the Statutes.

19. Other authorities.—The constitution, powers, duties and functions of the other authorities which may be declared by the Statutes to be the authorities of the University shall be such as may be prescribed by the Statutes.

CHAPTER V.

STATUTES, ORDINANCES, REGULATIONS AND RULES.

20. Statutes.—Subject to such conditions as may be prescribed by or under the provisions of this Ordinance, the Statutes may provide for all or any of the following matters, namely:—

- (a) the powers, duties and functions that may be exercised and performed by the Vice-Chancellor;
- (b) the emoluments and other conditions of service of the Vice-Chancellor;
- (c) the manner of appointment and emoluments of the officers, and the powers, duties and functions that may be exercised and performed by the Directors, Registrar and other officers;
- (d) the constitution of all authorities of the University, the term of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities;

- (e) the manner of appointment of teachers and other employees of the University, qualifications, code of the conduct and other conditions of service including the manner of termination of service and other disciplinary action;
- (f) the acceptance and management of trusts, bequests, donations and endowments;
- (g) conferment of honorary degrees;
- (h) holding of convocations to confer degrees;
- (i) institution and maintenance by the University of departments, centres of research or specialised studies and post-graduate centres;
- (j) registration of graduates and maintenance of register of registered graduates;
- (k) procedure at meetings of the authorities of the University and for the transaction of their business;
- (l) the maximum number of the students to be admitted in the study centres;
- (m) all other matters which, by or under this Ordinance are to be, or may be prescribed by the Statutes.

21. Making of Statutes.—(1) The first Statutes shall be framed by the State Government.

(2) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Board of Management shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given a reasonable opportunity to express, within time fixed by the Board of Management, its opinion in writing in the proposed changes and any opinion so expressed has been considered by the Board of Management.

(3) Every new Statute or addition to the Statutes or any amendment or repeal thereof shall be presented to the Chancellor, who may assent thereto or withhold assent or remit to the Board of Management for reconsideration in the light of the observations, if any, made by him.

(4) A new Statute or a Statute amending or repealing the existing Statutes shall not be valid unless it has been assented to by the Chancellor.

22. Ordinances.—(1) Subject to the provisions of this Ordinance and the Statutes, the Board of Management may make Ordinances to provide for all or any of the following matters, namely:—

- (a) the admission of students, the courses of study and the fees thereof, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships awards and like;
- (b) the conduct of examinations, including the terms and conditions for the appointment of examiners, moderators and such other staff and their duties;
- (c) laying down the policy and norms regarding;
- (i) fixation of examination fees and emoluments, travelling and other allowances to be paid to the examiners, moderators and such other staff appointed for the examination work;
- (ii) payment for teachers, lesson writers, evaluators and other academic staff appointed for organisation and conducting refresher courses, workshop, seminars and other programmes;

- (iii) rates of tuition fees and other charges receivable from the students;
- (iv) rates of remuneration to visiting professors, emeritus professors, consultants, fellows, scholars, artists, course writers;
- (d) the conduct and discipline of the students and the action to be taken against them for breach of discipline or misconduct, including the following, namely:—
 - (i) use of unfair means at an examination or in relation thereto, by himself or by any other student, or abetment thereof;
 - (ii) refusal to appear or give evidence in any authorised inquiry by an officer in charge of an examination, or by any officer or authority of the University; or
 - (iii) disorderly or otherwise objectionable conduct whether within or outside the University;
 - (e) the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners;
 - (f) the inspection of regional centres, study centres and recognised institution;
 - (g) the mode of execution of contracts or agreements for, or on behalf of the University;
 - (h) the rules to be observed and enforced by study centres and recognised institutions regarding transfer of students;
 - (i) the holding of convocations to confer degrees, diplomas, to grant certificates, other academic distinctions, and recognitions to persons who have passed approved course of study in the University or conducted research.
 - (j) collaboration with other Universities in the State, other statutory authorities and with departments of the State Government;
 - (k) the appointments, for a specified period or periods of teachers and other academic staff working in any other University or organisation for undertaking joint projects;
 - (l) the principles governing the seniority of service of the employees of the University;
 - (m) the procedure for the settlement of dispute between the University and the students;
 - (n) provision for reservation of adequate number of posts of teachers, officers and other employees of the University for the members of the Scheduled Castes and Scheduled Tribes;
 - (o) manner of withdrawal of recognition;
 - (p) generally all matters for which provision is in the opinion of the Board of Management necessary for exercise of the powers conferred or for the performance of the duties;
 - (q) any other matter which by this Ordinance or the Statutes is to be, or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor or in his absence by the Board of Management with the previous approval of the State Government and the Ordinances may be amended, repealed or added to at any time by the Board of Management in such manner as may be prescribed by the Statutes.

23. Regulations.—The authorities of the University may, subject to the approval of the Board of Management, make regulations consistent with this Ordinance, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Ordinance, the Statutes or the Ordinances, in such manner as may be prescribed by the Statutes.

24. Power to make rules.—(1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may be made for all or any of the following matters, namely:—

(a) manner of appointment, emoluments and other conditions of service of the Directors under section 12;

(b) manner of appointment, emoluments and other conditions of service of the Registrar under section 13; and

(c) any other matter which is to be or may be prescribed by the rules.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall, thereupon, take effect.

CHAPTER VI.

FINANCE.

25. The University Fund.—(1) The University shall establish a fund to be called the University Fund.

(2) The following shall form part of, or be paid into, the University Fund, namely:—

(a) all contributions or grants made by the State Government, the Central Government, the Indira Gandhi National Open University and the University Grants Commission;

(b) the income of the University from all sources whatsoever including income from fees and charges;

(c) all income or moneys from trust, bequests, donations, endowments, subventions and other grants;

(d) any sums borrowed from the Banks, with the previous permission of the State Government.

(3) The University shall have, and maintain, a Contingency Fund under a separate head in the University accounts, to which shall be credited such sums as may, from time to time, be granted, as contributions or grants by the State Government specially for this purpose. Such Fund shall be used only for making advances for the purposes of meeting unforeseen expenditure.

(4) With the previous sanction of the State Government, any portion of the University Fund may from time to time, be credited by the University to a separate head in the University accounts:

Provided that there shall be credited and debited to such special head only such sums as shall expressly relate to the objects for which such separate fund is created:

Provided further that the Board of Management may, by passing a special resolution, authorise transfer of any amount temporarily from one head to another in the University accounts.

II of 1934. (5) The University Fund shall, at the discretion of the Board of Management, be kept in the State Bank of India, or in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, which holds a licence issued by the Reserve Bank of India under section 22 of the Banking Regulation Act, 1949.

10 of 1949.

26. Annual financial estimates.—(1) The annual financial estimates of the University for the ensuing financial year shall be prepared under the direction of the Board of Management, at least five months before the commencement of the financial year.

(2) The financial year of the University shall be the same as that of the State Government.

(3) The financial estimates shall be submitted to the Board of Management for its approval.

(4) The Board of Management shall thereafter forward the copies of the financial estimates to the State Government.

27. Annual accounts and audit.—(1) The annual statement of accounts of the University for a financial year shall be prepared under the directions of the Board of Management within a period of three months, after the close of the financial year.

(2) The annual accounts as approved by the Board of Management shall be audited by the Audit appointed by the State Government.

(3) The annual accounts, as approved by the Board of Management together with the copy of the audit report and a copy of the statement showing the action taken by the University on the objections and points raised by the Auditor in his previous reports, shall be forwarded by the Board of Management as soon as possible and in any case, within the period of nine months from the end of financial year to the State Government and to the Auditor appointed by the State Government.

(4) It shall be competent for the State Government to give directions to the University regarding the manner in which the accounts relating to certain specific activities or schemes shall be maintained or to take necessary action against the authority, the officer or any employee of the University found guilty in the audit report for committing irregularities and the University shall act according to the direction of the State Government.

28. Annual Report.—The annual report of the University shall be prepared under the directions of the Board of Management which shall include, among other matters, the steps taken by the University towards the fulfilment of its objectives.

29. Financial control of State Government.—(1) Without obtaining the prior approval of the State Government or any officer authorised by it in this behalf, the University shall not—

(i) create any new post of officers, teachers or other employees;

(ii) revise the pay, allowances, post-retirement benefits and other benefits having financial implications offered to its officers, teachers and other employees;

(iii) incur any expenditure on any development work.

(2) Any post created, any financial benefits offered to its officers, teachers and other employees or any expenditure incurred on any development work, without the prior approval of the State Government or such authorised officer, may be treated as unapproved expenditure for the purposes of payment of grant-in-aid.

CHAPTER VII.

SUPPLEMENTARY PROVISIONS.

30. Conditions of service of employees.—(1) Every employee of the University shall be appointed under written contract and such contract shall not be inconsistent with the provisions of this Ordinance, the Statutes and the Ordinances.

(2) The contract referred to in sub-section (1) shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

31. Tribunal of Arbitration.—Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member nominated by the Board of Management, one member nominated by the officer or teacher concerned and an umpire to be nominated by the Chancellor. The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matter decided by the Tribunal. Every such request shall be deemed to be submission to arbitration upon the terms of this section within the meaning of the Indian Arbitration Act, 1940, and the provisions of that Act shall apply accordingly.

32. Delegation of powers.—Subject to the provisions of this Ordinance and the Statutes, any officer or authority of the University may, by order, delegate his or its powers, except the power to make Statutes, Ordinances and Regulations to any other officer or authority under his or its control, and subject to the condition that the ultimate responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating them.

33. Disputes as to constitution of University Authorities and bodies.—(1) Where any question arises as to—

(a) the interpretation of any provision of this Ordinance or any Statutes, Ordinances, Regulations or Rules, or

(b) whether any person has been duly appointed as, or entitled to be, a member of any authority or other body of the University.

the matter shall be referred to the State Government whose decision thereon shall be final.

(2) Any nominee or *ex-officio* member appointed on any authority or body of the University shall be deemed to have vacated his office, whenever his nomination or appointment is cancelled by the authority concerned or he ceases to hold office by virtue of which he has been a member of the authority or body of the University.

34. Filling of casual vacancy.—When any vacancy occurs in the office of a member (other than an *ex-officio* member) or any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by appointment or co-option, as the case may be, of a member who shall hold office so long only as the member in whose place he has been appointed or co-opted would have held it, if the vacancy had not occurred.

35. Proceedings not invalidated by vacancies.—No act or proceedings of any authority or any other body of the University shall be invalidated merely by reason of any vacancy in its membership.

36. Authorities and officers to be responsible.—It shall be the duty of every authority and officer of the University to ensure that the interest of the University is duly safe-guarded.

37. Protection of action taken in good faith.—No suit or other legal proceedings shall lie against any officer, employee or authority of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Ordinance, the Statutes, the Ordinances, the Regulations or the Rules,

38. *Mode of proof of University record.*— A copy of any receipt, application, notice, order, proceeding, resolution of any authority or committee of the University, or other documents in the possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be admitted as evidence of the matters and transactions specified therein, where the original thereof would, if produced, have been admissible in evidence.

39. *Power to remove difficulties.*— If any difficulty arises in giving effect to the provision of this Ordinance the State Government may by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance as appears to it to be necessary or expedient for removing the difficulty.

40. *Transitional provisions.*— Notwithstanding anything contained in this Ordinance and the Statutes—

(a) the first Vice-Chancellor and the first Registrar shall be appointed by the State Government as soon as practicable after promulgation of this Ordinance for a period not exceeding three years on such terms and conditions as the State Government thinks fit.

(b) the first Board of Management shall consist of not more than fifteen members who shall be nominated by the State Government and they shall hold office for a term of three years.

(c) the first Academic Planning Board shall consist of not more than eleven members who shall be nominated by the State Government and they shall hold office for a term of three years.

(d) the first Finance Committee shall consist of not more than seven members who shall be nominated by the State Government and they shall hold office for a term of three years.

STATEMENT

At the State level, there is no Open University imparting higher education in the regional language. It is, therefore, considered necessary to establish an Open University in the State to impart higher education. The Open University based on rich heritage of State shall endeavour through extension of education and training to play positive role in the development of the State and thereby promote and advance the culture of the people of the State.

For this purpose, a Bill called the Dr. Babasaheb Ambedkar Open University Bill, 1994 was introduced in the Gujarat Legislative Assembly on 11th February, 1994 but could not be taken up for consideration by the House for want of time. In order to enable the State Government to establish an Open University from the academic year June, 1994, it is considered necessary to promulgate an Ordinance for this purpose.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid objects.

Gandhinagar,
Dated : the 13th April, 1994.

SARUP SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

H. J. SHAH,
Deputy Secretary to Government.



(C)

**The Gujarat Government Gazette
EXTRAORDINARY
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MONDAY, APRIL 25, 1994 / VAISAKHA 5, 1916

Separate paging is given to this Part in order that it
may be filed as a separate compilation.

PART-IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the President on the 16th April, 1994 is hereby published for general information.

Kum. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 1994

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 25th April, 1994.)

AN ACT

to amend the Gujarat Affiliated Colleges Services Tribunal Act, 1982 and the Gujarat Universities Services Tribunal Act, 1983.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:—

Guj. 9 of
1982.

1. This Act may be called the Gujarat Affiliated Colleges and Universities Services Tribunals Laws (Amendment) Act, 1991. Short title

2. In the Gujarat Affiliated Colleges Services Tribunal Act, 1982, in section 2, in clause (i),—

(I) the words "or, as the case may be," shall be deleted;

Amend-
ment of
section 2 of
Guj. 9 of
1982.

Amend-
ment
of Gui.
1 of 1988.

(2) the following shall be added at the end, namely:—

“or, as the case may be, the North Gujarat University Act, 1986”.

Guj. 22 of
1986.

3. In the Gujarat Universities Services Tribunal Act, 1983,—

(1) in section 2, in clause (e),—

Guj. 1 of
1988.

(a) the words, “or, as the case may be,” shall be deleted;

(b) the following shall be added at the end, namely:—

“or, as the case may be, the North Gujarat University Act, 1986”;

Guj. 22 of
1986.

(2) in the Schedule, the following new entry shall be added at the end, namely:—

“6. The North Gujarat
(Guj. 22 of 1986).
University Act, 1986

(1) Section 68 shall be deleted.

(2) In section 69, for sub-section (2), the following
sub-section shall be substituted, namely:—“(2) The decision of the Tribunal shall be final
and no suit shall lie in any civil court in
respect of the matter decided by the Tribu-
nal. Every request made under sub-section
(1) shall be deemed to be submission to arbi-
tration upon the terms of this section within
the meaning of the Arbitration Act, 1940
and the provisions of that Act, shall apply
accordingly.”

X of 1940.



The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it
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PART-IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 27th June, 1994 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.

GUJARAT ACT NO. 8 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 28th June, 1994).

AN ACT

Further to amend the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Act, 1994.

(2) It shall be deemed to have come into force on the 1st April, 1994.

2. In the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977 (hereinafter referred to as "the principal Act"), in section 2,—

(1) for clause (d), the following clause shall be substituted, namely:—

"(d) 'hotel' means a building or part of a building where lodging accommodation with or without board is provided for a monetary consideration and includes a club, lodging house, gymkhana, inn, motel, public house or any place, where residential accommodation is provided for a monetary consideration ;".

(2) in clause (e), for the words "not less than thirty five rupees", the words "more than one hundred rupees" shall be substituted.

Short title
and
commencement.

Amend-
ment of
section 2
of Guj.
24 of
1977.

Repeal
and
savings.

3. (1) The Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Ordinance, 1994 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.



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PART-IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 27th June, 1994 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary affairs Department.

GUJARAT ACT NO. 9 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 28th June, 1994.)

AN ACT

further to amend the Bombay Motor Vehicles Tax Act, 1958.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 1994.

(2) It shall be deemed to have come into force on the 1st April, 1994.

Short title and comment.
ement.

Bom.
LXV
of
1958.

2. In the Bombay Motor Vehicles Tax Act, 1958. (hereinafter referred to as "the principal Act"), in section 3A, the following Explanation shall be added at the end, namely:—

"Explanation.—For the purposes of this section, "Luxury designated omnibus" means any omnibus having seating layout of two and two or one and three or one and two or one and one on either side with a gangway of any width in between though any one row of seats in such omnibus may consist of more than four seats."

Amend-
ment
of section
3A of
Bom. LXV
of 1958.

Amend-
ment of
section 20
of Bom.
LXV of
1958.

3. In the principal Act, in section 20,—

(1) in sub-section (1), after the words "Kutch area of the State of Bombay", the words, brackets, figures and letters "and subject to the provisions of sub-sections (1A), (1B), (1C), (1D), (1E) and (1F)" shall be inserted;

(2) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), and the provisions of the Tolls on Roads and Bridges Act, 1875, but subject to the provisions of sub-sections (1B), (1C), (1D), (1E) and (1F), the State Government may levy toll on motor vehicles and trailers drawn by such vehicles passing over—

(a) any bridge including an approach road thereto or section of a new road or by-pass which is constructed, reconstructed, improved or, as the case may be, repaired by the State Government or by any person at his expense after the commencement of the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 1994 and the total capital outlay of construction, reconstruction, improvements or, as the case may be, repairs, of which is not less than fifty lakhs of rupees; or

(b) any bridge including an approach road thereto or section of a new road or by-pass, which, in the opinion of the State Government, is of a special service to the public.

Explanation.—For the purposes of this section,—

(i) the expression "capital outlay" shall include the anticipated cost of certain essential ongoing or imminent works like improvements, strengthening, widening, structural repairs and maintenance;

(ii) the expression "person" shall include any company or association or body of individuals, whether incorporated or not, or a firm;

(iii) for the removal of doubt, it is hereby clarified that the expression "constructed" shall include a bridge including an approach road thereto or section of a new road or by-pass which is ready for use.

(1B) The toll leviable under sub-section (1A) shall be levied at such rate, for such period and on such bridges including an approach road thereto or section of a new road or by-pass, as the State Government may from time to time, by notification in the Official Gazette, declare:

Provided that not more than the capital outlay, interest thereon at such rate as the State Government may fix and the expenses of collection of toll shall be levied and collected under this section:

Provided further that when the bridge including an approach road thereto or section of a new road or by-pass is constructed, reconstructed, improved or, as the case may be, repaired by a person other than the State Government, not more than the capital outlay, return on investment at such rate as the State Government may fix and the expenses of collection of toll shall be levied and collected under this section.

(1C) When the toll leviable under sub-section (1A) on any bridge including an approach road thereto or section of a new road or by-pass which is constructed, reconstructed, improved or, as the case may be, repaired,—

(i) by the State Government, the State Government itself or through an agent authorised by it in this behalf;

(ii) by any person, such person or his servants,

shall collect the toll on such terms and conditions and in such manner as may be prescribed.

(1D) Where any additional bridge, being the bridge on or below the same stream, river or creek or road or rail-track including any approach road thereto is constructed as

Bom.
III of
1875.

Guj. 9
of 1994..

augmentation of the facility of the use of the existing bridge including an approach road thereto then the network of such bridge including an approach road thereto shall be deemed to be one single entity for the purpose of levy of toll, so however that not more than the capital outlay of such additional bridge including an approach road thereto, and the expenses of collection of toll shall be recovered.

(IE) The motor vehicles and trailers drawn by such vehicles liable to pay the toll under sub-section (IA) shall not be allowed to pass over the bridge including an approach road thereto or section of a new road or by-pass unless the toll is paid and the State Government or the agent authorised by the State Government or as the case may be, by a person referred to in sub-section (IC) shall have power to prevent such vehicles from passing over the bridge.

(IF) (a) All motor vehicles and trailers drawn by such vehicles used by or on behalf of the State Government or of the Central Government shall be exempted from the payment of toll.

(b) Subject to such condition as it may impose, the State Government may, if it considers necessary so to do in the public interest, by notification in the *Official Gazette*, exempt any specified class or classes of motor vehicles and trailers drawn by such vehicles from the payment of toll;

(3) in sub-section (2), for the words, brackets and figure "sub-section (I)" the words, brackets, figures and letters "sub-sections (I), (IA), (IB), (IC), (ID), (IE), (IF)" shall be substituted;

(4) in the marginal note, after the words "motor vehicles", the words "except in certain exigencies" shall be added.

4. In the principal Act, in section 23, in sub-section (2), after clause (l), the following clause shall be inserted, namely:—

"(m) to prescribe the terms and conditions and the manner of collection of toll;".

5. (1) The Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 1994 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall in so far as it is not inconsistent with the principal Act as amended by this Act be deemed to have been done or taken under the principal Act as amended by this Act.

Amend-
ment
of section
23 of Bom.
LXV
of 1958.
Repeal
and
savings.

Guj.
Ord. 2
of 1994.



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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 1st July, 1994 is hereby published for general information.

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 1994.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 1st July, 1994).

AN ACT

further to amend the Gujarat Sales Tax Act, 1969.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Sales Tax (Amendment) Act, 1994.

Short title and commencement.

(2) This section and section 9 shall be deemed to have come into force on the 31st March, 1994 and the remaining sections of this Act shall be deemed to have come into force on the 1st April, 1994.

Guj. I
of 1970.

2. In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as "the principal Act"), in section 3A, in sub-section (5), for the words "five paise", the words "ten paise" shall be substituted.

Amendment of section 3A of Guj. I of 1970.

3. In the principal Act, in section 7, the words, brackets and figure "of sub-section (1)" occurring at two places shall be deleted.

Amendment of section 7 of Guj. I of 1970.

Amend-
ment of
section 10A
of Guj. 1 of
1970.

4. In the principal Act, in section 10A,—

(1) in sub-section (1),—

(a) the words, brackets, letter and figures "except the dealer referred to in sub-clause (f) of clause (10) of section 2" shall be deleted;

(b) the words, brackets and figures "and also goods wholly or partially exempt from payment of tax under sub-section (2) of section 49" shall be deleted.

(2) after sub-section (1) but before the table, the following new sub-section shall be inserted, namely:-

"(1A) Where the turnover of all specified sales by any dealer liable to pay tax under section 3A has first exceeded rupees fifty lakhs or the aggregate of the turnover of all specified sales and the turnover of all sales by any dealer liable to pay tax under both the sections 3 and 3A has first exceeded rupees fifty lakhs, in any year in which the Gujarat Sales Tax (Amendment) Act, 1994 comes into force, and every year thereafter, there shall be levied a turnover tax on taxable turnover of specified sales or the aggregate of taxable turnover of all specified sales and the taxable turnover of all sales effected by him of all taxable goods at the rates specified in the table below.";

(3) in sub-section (4), for the words "the turnover of all sales", the words "the turnover of all sales, the turnover of all specified sales or, as the case may be, the aggregate of turnover of all specified sales and the turnover of all sales" shall be substituted;

(4) the following explanation shall be added at the end, namely:—

"Explanation.—For the purposes of this section,—

(1) the expression "taxable turnover" means turnover of all taxable goods as derived after deductions made under sub-section (2); and

(2) the expression "taxable goods" means the goods which are taxable or which would have been taxable under this Act but for exemption granted under sub-section (2) of section 49".

Amend-
ment of
section
12 of Guj.
1 of 1970.

5. In the principal Act, in section 12,—

(1) in clause (1),—

(a) in sub-clause (b), the word "or" shall be added at the end;

(b) after sub-clause (b), the following sub-clause shall be inserted, namely:—

"(aa) that the goods are purchased by him for resale in the course of inter-State trade or commerce and that such goods will be resold within six months from the date of such purchase by himself.';

(2) in clause (2),—

(a) in sub-clause (c), the word "or" shall be added at the end;

(b) after sub-clause (c), the following sub-clause shall be inserted, namely:—

"(aa) that the goods are purchased on behalf of his principal who is a licensed dealer for resale in the course of inter-State trade or commerce and that such goods will be resold by the principal himself in the course of inter-

Guj. 10 of
1994.

State trade or commerce within six months from the date of such purchase by the commission agent.”.

6. In the principal Act, for section 13, the following section shall be substituted, namely:—

Substitution of section 13 of Guj. I of 1970.

“13. There shall not be deducted from the turnover of sales, sales of goods to a licensed dealer, recognised dealer or to a commission agent holding a permit purchasing on behalf of his principal, as provided in section 7 or 8 unless—

No deduction from turnover except on a certificate.

(A) the licensed dealer,—

(i) certifies in the prescribed form that the goods are purchased for resale in the course of export out of the territory of India within six months from the date of such purchase by himself; or

(ii) certifies in the prescribed form that the goods specified in Schedule II-Part B are intended,—

(a) for resale by him within the State of Gujarat otherwise than in the course of inter-State trade or commerce or export out of the territory of India within six months from the date of such purchase; or

(b) for resale by him in the course of export out of the territory of India within six months from the date of such purchase; or

(B) the recognised dealer certifies in the prescribed form that the goods other than prohibited goods sold to him are goods purchased by him for use by him as raw or processing materials or as consumable stores in the manufacture of taxable goods for sale by him ; or

(C) the commission agent certifies in the prescribed form that the goods are purchased on behalf of his principal who—

(i) is a licensed dealer—

(a) and the goods will be resold by the principal himself in the course of export out of the territory of India within six months from the date of such purchase by the commission agent; or

(b) who will resell the goods specified in Schedule II-Part B,—

(i) within the State of Gujarat otherwise than in the course of inter-State trade or commerce or export out of the territory of India within six months from the date of such purchase; or

(ii) in the course of export out of the territory of India within six months from the date of such purchase;

or

(ii) is a recognised dealer, and the goods purchased being goods other than prohibited goods will be used by the principal as raw or processing materials or as consumable stores in the manufacture of taxable goods for sale, and that the commission agent will despatch the goods to his principal or to the principal's order within three months from the date of such purchase by the commission agent.”.

7. In the principal Act, in section 19A,—

Amendment of section 19A of Guj, 1 of 1970.

(1) sub-section (2) shall be deleted;

(2) the following explanation shall be added at the end, namely:—

"Explanation.—For the purposes of this section, the expression "oil cakes" shall mean oil cakes other than cotton seed oil cakes."

Insertion of
new section
30AA in
Guj. 1 of
1970.

8. In the principal Act, after section 30A, the] following new section shall be inserted, namely:—

Cancella-
tion of
certificate
of registra-
tion in
certain
circum-
stances.

"30AA. Where a registered dealer without entering into a transaction of sale issues to another registered dealer a bill or cash memorandum with the intention to defraud the Government revenue or with the intention that the Government may be defrauded of its revenue the Commissioner may, after making such inquiry as he thinks fit and giving a reasonable opportunity of being heard, cancel the certificate of registration of the registered dealer issuing or accepting such bill or cash memorandum either prospectively or retrospectively from such date as the Commissioner may, having regard to the circumstances of the case, fix :

Provided that notwithstanding the cancellation of a certificate of registration under this section,—

(a) the liability of the dealer shall continue in respect of any tax, penalty or interest for any period prior to the date of the order of the Commissioner cancelling the certificate of registration;

(b) where a dealer, who has purchased goods from the dealer whose certificate of registration is cancelled under this section, at any time during the period commencing on the date of cancellation and ending on the date of the order of Commissioner cancelling the certificate of registration, proves to the satisfaction of the Commissioner that the tax due in respect of goods sold to him has been paid, such purchase of goods shall be deemed to have been made from a registered dealer.":

Substituti-
on of sect-
ion 42 of
Guj. 1 of
1970.

9. In the principal Act, for section 42, the following section shall be substituted, namely:—

Time limit
for assess-
ment in
certain
cases.

"42. Where a fresh assessment is required to be made in pursuance of any order under section 65,67 or 69 or in pursuance of an order of any court or authority, such fresh assessment shall be made at any time within three years from the date of such order :

Provided that in computing the period of limitation, any period during which assessment proceedings are stayed by an order or injunction of any court or authority shall be excluded.".

10. In the principal Act, in section 44, for the third proviso, the following shall be substituted, namely :—

“Provided that the provisions of the proviso to section 42 shall *mutatis mutandis* apply to computation of period of limitation specified in this section.”

Amend-
ment of
section 44
of Guj.
1 of 1970.

11. In the principal Act, in section 47,—

(1) in sub-section (4A), in the proviso, clause (ii) shall be deleted;

(2) after sub-section (4A), the following new sub-section shall be inserted, namely :—

“(4B) Where a dealer is liable to pay interest under sub-section (4A) and he makes payment of an amount which is less than the aggregate of the amount of tax, penalty and interest, the amount so paid shall be first applied towards the amount of interest, thereafter the balance, if any, towards the amount of penalty and thereafter the balance, if any, towards the amount of tax.”

12. In the principal Act, in section 50, for the proviso, the following shall be substituted, namely :—

“Provided that the provisions of the proviso to section 42 shall *mutatis mutandis* apply to computation of period of limitation specified in this section.”

Amend-
ment of
section 54
of Guj.
1 of 1970.

13. In the principal Act, in section 54, in sub-section (1), in clause (aa),—

(1) after the words and figures “assessment under section 41”, the words “for the specified year” shall be and shall be deemed always to have been inserted with effect from 1st April, 1993;

(2) the following explanation shall be and shall be deemed always to have been added at the end with effect from the 1st April, 1993, namely :—

Explanation.—For the purposes of this clause, the expression “specified year” means—

- (i) the financial year commencing from the 1st April 1993;
- (ii) the calendar year commencing from the 1st January 1993;
- (iii) Samvat year 2049 commencing from the *kartik sud akam*;
- (iv) co-operative year commencing from 1st October, 1993; or
- (v) any such year thereafter.”

14. In the principal Act, in section 66, clause (4) shall be deleted.

Amend-
ment of
section 54
of Guj.
1 of 1970.

15. In the principal Act, in section 75, in sub-section (1), for the words “two thousand rupees”, the words “twenty thousand rupees” shall be substituted.

Amend-
ment of
section 66
of Guj.
1 of 1970.

Amend-
ment of
section 75
of Guj.
1 of 1970.

Amend-
ment of
Schedule
I of Guj.
I of 1970.

16. In the principal Act, in Schedule I,—

(i) for the entry at serial No. 14, the following entry shall be substituted, namely:—

1

2

3

"14. Cattle-feed including fodder, concentrates and cotton seed oil cakes (but excluding cotton seeds), other oil cakes and de-oiled cakes.

(ii) in the entry at serial No. 15A, in column 2, after the words "doors and windows", the words "handmade papda and pidhis" shall be added.

17. In the principal Act, in Schedule II, in Part A,—

(i) after the entry at serial No. 16, the following new entry shall be added, namely:—

Amend-
ment of
Schedule
II, Part
A to Guj.
I of 1970.

1

2

3

4

"16A. Cast iron castings four paise four paise
in the rupee in the rupee."

(ii) for the entry at serial No. 33, the following entry shall be substituted, namely:—

1

2

3

4

"33. Kerosene excluding kerosene eight paise eight paise
for domestic use sold for public in the rupee in the rupee."
distribution system

(iii) in the entry at serial No. 35, in columns 3 and 4, for the words "twenty one paise", the words "twenty-five paise" shall be substituted;

(iv) in the entry at serial No. 74, in columns 3 and 4, for the words "seven paise", the words "four paise" shall be substituted.

Guj.
Ord. 3
of 1994.

18. (1) The Gujarat Sales Tax (Amendment) Ordinance, 1994 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Repeal and
savings.



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PART-IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 6th July, 1994 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.

GUJARAT ACT NO. 11 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 6th July, 1994).

AN ACT

further to amend the Bombay Provincial Municipal Corporations Act, 1949.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Provincial Municipal Corporations (Gujarat Amendment) Act, 1994.

Bom.
LIX of
1949.

Short
title.

2. In the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the principal Act"), for section 8, the following shall be substituted, namely:—

Substitu-
tion of
section 8 of
Bom. LIX
of 1949.

"8. (1) For every ward, there shall be a list of voters.

List of
voters.

(2) The list of voters shall be the same as the electoral roll of the Gujarat Legislative Assembly prepared and revised in accordance with the provisions of the Representation of the People Act, 1950 for the time being in force and as revised, modified, up-dated and published in accordance with the provisions of sub-section (3).

(3) Subject to the superintendence, direction and control of the State Election Commission, the list of voters shall be revised, modified, up-dated and published by such officers as may be designated by the State Election Commission in this behalf in the prescribed manner.

43 of
1950.

(4) No person shall be entitled to have his name included in the list of voters for more than one ward and for any ward more than once.

(5) The list of voters for any ward published under sub-section (2) shall remain in operation until a revised list of voters in respect of a Municipal Corporation is so published."

Amend-
ment of
section
10 of
Bom. LIX
of 1949.

3. In the principal Act, in section 10, in sub-section (1), for the figures [and word "13, 17 and 404", the figures and word "13 and 404" shall be substituted.

Deletion
of section
17 of
Bom. LIX
of 1949.

4. In the principal Act, section 17 shall be deleted.



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART-IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Government**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th July, 1994 is hereby published for general information.

KUM. H. K. JHAVERI,
 Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs
 Department.

GUJARAT ACT NO. 12 OF 1994

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 6th July, 1994).

AN ACT

to provide for temporary postponement of elections of local authorities.

WHEREAS in the wake of widespread rain in the State of Gujarat, it is difficult to hold elections of local authorities during the monsoon season;

AND WHEREAS the Election Commission of India has decided and directed to revise the electoral rolls intensively of all the constituencies of the State of Gujarat with reference to 1st January, 1995 as the qualifying date and also fixed the 4th January, 1995 as the date for final publication of electoral rolls ;

AND WHEREAS electoral rolls for Assembly constituencies would be the list of voters for the purpose of election of local authorities ;

AND WHEREAS it is likely that large section of public would be covered by intensive revision of electoral rolls ; and they may not be deprived of their right of franchise in the ensuing elections of local authorities ;

AND WHEREAS for the reasons stated above, it is considered necessary to provide for temporary postponement of the elections of local authorities and to provide for other connected matters.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:-

Short title.

1. This Act may be called the Gujarat Local Authorities (Temporary Postponement of Elections) Act, 1994.

Definitions.

2. In this Act, unless the context otherwise requires,-

(a) 'election' means and includes entire election process commencing from the preparation of list of voters and all stages culminating into election of a councillor or, as the case may be, a member of the local authority and it is always deemed to have meant and included entire election process;

(b) 'local authority' means a panchayat, a municipality and a Municipal Corporation constituted under the relevant Act;

(c) 'relevant Act'; in relation to,-

(i) a panchayat, means the Gujarat Panchayats Act, 1993,

(ii) a municipality, means the Gujarat Municipalities Act, 1963.

(iii) a Corporation, means the Bombay Provincial Municipal Corporations Act, 1949.

Guj. 18
of 1993.
Guj. 34 of
of 1964.

Bom. LIX
of 1949.

Postponement of elections of local authorities.

3. Notwithstanding anything contained in the relevant Act or the rules or by-laws or order made thereunder or in any judgement, decree or order of any court or authority, during the period from the date of the commencement of this Act and upto and inclusive of the 4th January, 1995, no general election of the Councillors of any Corporation or of any municipality or of members of any panchayat and no election to fill up any casual vacancy of any such Councillor or member shall be held; and the election shall be started thereafter of such local authority of which duration has already expired before the commencement of this Act or is due to expire before 1st May, 1995 or formed for such area which are declared as transitional or smaller urban area and shall be completed before the 1st May, 1995 in accordance with the provisions of the relevant Act and the rules made thereunder.

Application of relevant Act.

4. Except as otherwise provided by or under this Act, the provisions of the relevant Act shall in all other respects apply in case of a Corporation, municipality or panchayat.

Removal of difficulties.

5. If any difficulty arises in giving effect to the provisions of this Act, or by reasons of anything contained therein, or in giving effect to the relevant Act in respect of any matter contained in this Act, the State Government may, as occasion arises, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.



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may be filed as a separate compilation.

PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 22nd July, 1994 is hereby published for general information.

KUM H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 13 OF 1994,

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 22nd July, 1994).

AN ACT

further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Forty-fifth year of the Republic of India as follows:-

1. (1) This Act may be called the Bombay Stamp (Gujarat Amendment) Act 1994.

(2) This section shall be deemed to have come into force on the 31st March, 1994 and the remaining provisions of this Act shall be deemed to have come into force on the 4th April, 1994.

Short title
and commen-
cement.

2. In the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act"), in section 2,

(1) after clause (dd), the following new clause shall be inserted, namely:-

Amend-
ment of sec-
tion 2 of Bom-
LX of
1958.

Bom. LX
of 1958.

"(e) "clearance list" means a list of transactions relating to contracts required to be submitted to the clearing house of an association in accordance with the rules or bye-laws of the association :

Provided that no instrument shall, for the purposes of this Act, be deemed to be a clearance list unless it contains the following declaration signed by the person dealing in such transaction or on his behalf by a properly constituted attorney, namely:-

"I/We hereby solemnly declare that the above list contains a complete and true statement of my/our transactions including crossed out transactions and transactions required to be submitted to the clearing house in accordance with the rules/bye-laws of the association. I/We further declare that no transaction for which an exemption is claimed under Article 5 or Article 39 in Schedule I to the Bombay Stamp Act, 1958, as the case may be, is omitted."

Bom. LX
of 1958.

Explanation.—For the purposes of this clause, transaction shall include both sale and purchase.”;

(2) for clause (g), the following clause shall be substituted, namely :—

"(g) "conveyance" includes,—

(i) a conveyance on sale,

(ii) every instrument,

(iii) every decree or final order of any Civil Court ; or

(iv) every order made by the High Court under section 394 of the Companies Act, 1956 in respect of amalgamation of companies,

I of 1958.

by which property, whether movable or immovable, or any estate or interest in any property is transferred to, or vested in, any other person, *inter vivos*, and which is not otherwise specifically provided for by Schedule I.

*Explanation.—For the purposes of this clause, an instrument whereby a co-owner of any property transfers his interest to another co-owner of the property and which is not an instrument of partition shall be deemed to be an instrument by which property is transferred *inter vivos* ;*

(3) after clause (j), the following new clause shall be inserted, namely :—

"(ja) "immovable property" includes land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;" ;

(4) in clause (la),—

(i) after the words "any movable", the words "or immovable" shall be inserted;

(ii) for the words "such gift", the words "such oral gift" shall be substituted;

(5) in clause (n),—

(i) for the word "immovable", the words "movable or immovable or both" shall be substituted ;

(ii) after sub-clause (iv), the following new sub-clause shall be inserted, namely :—

"(v) a decree or final order of any Civil Court in respect of a lease ;

Provided that where subsequently an instrument of lease is executed in pursuance of such decree or order, the stamp duty, if any, already paid and recovered on such decree or order shall be adjusted towards the total duty leviable on such instrument;" ;

(6) after clause (p), the following new clause shall be inserted, namely :—

"(pa) "movable property" includes standing timber, growing crops and grass, fruits upon and juice in trees and property of every other description, except immovable property, by which any right or liability is or is purported to be created, transferred, limited, extended, extinguished or recorded ;".

3. In the principal Act, in section 3A, after the word "executed", the words "in respect of the property situated" shall be inserted.

Amendment of section 3A of Bom. LX of 1958.

4. In the principal Act, in section 17, for the words "at the time of execution", the following shall be substituted, namely:—

Amendment of section 17 of Bom. LX of 1958.

"at the time of execution or immediately thereafter on the next working day following the day of execution :

Provided that the clearance list described in Articles 18A, 18B, 18C, 18D or 18E of Schedule I may be stamped by an officer authorised by the State Government by rules made under this Act, if such clearance list is submitted for stamping by the clearing house of an Association in accordance with its rules and bye-laws with the requisite amount of stamp duty, within two months from the date of its execution.".

5. In the principal Act, in section 30,—

Amendment of section 30 of Bom. LX of 1958.

- (i) in clause (e), the word "and" shall be deleted ;
- (ii) in clause (f), the word "and" shall be inserted at the end ;
- (iii) after clause (f), the following clause shall be inserted, namely :—
"(g) in any other case, by the person executing the instrument.".

6. In the principal Act, in section 31, in sub-section (1), for the words "not exceeding twenty five rupees and not less than five rupees", the words "not exceeding one hundred rupees and not less than twenty-five rupees" shall be substituted.

Amendment of section 31 of Bom. LX of 1958.

7. In the principal Act, in section 32A,—

Amendment of section 32A of Bom. LX of 1958.

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Every instrument of conveyance, exchange, gift, certificate of sale, partition, partnership, settlement, power of attorney to sell immovable property when given for consideration or transfer of lease by way of assignment, presented for registration under the provisions of the Registration Act, 1908 shall be accompanied by a true copy thereof; and if an officer registering such instrument under the aforesaid Act or any person referred to in section 33 before whom such instrument is produced or comes in the performance of his functions, has reason to believe that the consideration set forth therein does not approximate to the market value of the property which is the subject matter of such instrument, or, as the case may be, the market value of the property which is the subject matter of such instrument, has not been truly set forth therein, he may either before or after registering the instrument or, as the case may be, performing his functions in respect of such instrument, refer the instrument or true copy thereof to the Collector of such district in which either the whole or any part of the property is situated for determining the true market value of such property and the proper duty payable on the instrument under this section.";

(2) in sub-section (2), for the words and figures "section 31 or" the words and figures "section 31 or instrument or true copy of instrument under" shall be substituted;

(3) in sub-section (3), after words "of two hundred and fifty rupees", the words "or the amount of the proper duty or of the deficient portion thereof whichever is less" shall be inserted;

(4) in sub-section (4,) for the words "two years", the words "six years" shall be substituted.

Substitution of section 46 of Bom. LX of 1958.

8. In the principal Act, for section 46, the following section shall be substituted, namely:—

46. (1) Where any person required to pay any amount of duty, penalty or other sums under this Act does not pay within the time prescribed for its payment he shall be liable to pay simple interest at the rate of twenty four per cent. per annum on such amount or on any less amount thereof for the period for which such amount remains unpaid.

Recovery of duties, penalties and interest.

(2) All duties, penalties, interest and other sums required to be paid under this Act may be recovered by the Collector by distress and sale of the movable or immovable property of the person from whom the same are due, or as an arrears of land revenue.".

Amendment of section 53 of Bom. LX of 1958.

9. In the principal Act, in section 53, in sub-section (1), after the word and letters "Chapter, III", the words, letter, brackets and figures "except sub-section (3) of section 32A" shall be inserted.

Insertion of new section 53A in Bom. LX of 1958.

10. In the principal Act, after section 53, the following new section shall be inserted, namely:—

53A. (1) Notwithstanding anything contained in sub-section (3) of section 32, sub-section (3) of section 32A, sub-section (2) of section 39 and sub-section (2) of section 41, when through mistake or otherwise any instruments is charged with less duty than leviable thereon, or is held not chargeable with duty, by the Collector, the Chief Controlling Revenue Authority may, within a period of six years from the date of certificate of the Collector under sections 32, 32A, 39 or 41, as the case may be, require the concerned party to produce before him the instrument and, after giving reasonable opportunity of being heard to the party, examine such instrument whether any duty is chargeable or any duty is levied less thereon and pass an order for recovery of the deficit duty, if any, from the concerned party. An endorsement shall be made on the instrument after payment of such deficit duty.

Revision of Collector's decision under sections 32, 32A, 39 and 41.

(2) On failure to produce the original instrument by the party, the Chief Controlling Revenue Authority shall proceed under this section on the basis of the true copy or an abstract of the instrument filed with the Collector and such true copy or abstract shall be deemed to be the original instrument for the purposes of this section.".

Amendment of Schedule I to Bom. LX of 1958.

11. In the principal Act, in Schedule-I.—

(1) in Article 5,—

(i) in the heading, after the words "MEMORANDUM OF AN AGREEMENT", the words "OR ITS RECORDS" shall be inserted;

(ii) in clause (b), under the heading "exemption", after the words "Memorandum of Agreement", the words "or its records" shall be inserted;

(2) in Article 6, in clause (2), in sub-clause (a), for items (i) to (viii), the following items shall be substituted, namely:—

"(i) where the amount of loan or debt does not exceed Rs. 15,00,000. Fifty paise for every hundred rupees or part thereof.

(ii) where it exceeds Rs. 15,00,000. One rupee for every hundred rupees or part thereof.";

(3) in Article 18, for the words, "Five rupees", the words "Two rupees" shall be substituted;

(4) after Article 18, the following new Articles shall be inserted, namely:—

18A. (1) **CLEARANCE LIST**, relating to the transactions for the purchase or sale of Government securities submitted to the clearing house of a stock exchange. The sum of duties payable under Article 5(b) or 39(g), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.

(2) **CLEARANCE LIST**, relating to the transactions for the purchase or sale of a share, script, stock, bond, debenture, debenture-stock or other marketable security of a like nature in or of an incorporated company or other body corporate submitted to the clearing house of a stock exchange whether recognised or not under the Securities Contracts (Regulation) Act, 1956. The sum of duties payable under Article 5 (c) (i) or 39 (f), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.

18B. **CLEARANCE LIST**, relating to the transactions for the purchase or sale of cotton submitted to the clearing house of a Cotton Association. The sum of duties payable under Article 5 (d) or 39 (a), as the case may be, in respect of each of the entries in such list on the units of transactions or part thereof.

18C. **CLEARANCE LIST**, relating to the transactions for the purchase or sale of bullion or species submitted to the clearing house of a Bullion Association. The sum of duties payable under Article 5(e) or 39(b), as the case may be, in respect of each of the entries in such list on the units of transactions or part thereof.

18D. **CLEARANCE LIST**, relating to the transactions for the purchase or sale of oil seeds submitted to the clearing house of Oil Seed Association. The sum of duties payable under Article 5 (f) or 39 (c), as the case may be, in respect of the entries in such list on the units of transactions or part thereof.

18E. **CLEARANCE LIST**, relating to the transactions for the purchase or sale of yarn of any kind, non-mineral oil or spices of any kind. The sum of duties payable under Article 5 (g) or 39 (d), as the case may be, in respect of the entries in such list on the units of transactions or part thereof."

(5) in Article 20,—

(1) after clause (b), the following new clause shall be inserted, namely :—

“(c) CONVEYANCE (not being a transfer charged or exempted under Article No. 56) of the property which is subject matter of the conveyance so far it relates to premises—

The same duty as is leviable under Article 20(b).;

(i) of a Corporation formed and registered under the Bombay Non-Trading Corporations Act, 1959; or

Bom. xxvi
of 1959.

(ii) of a Board constituted under the Gujarat Housing Board Act, 1961, or the Gujarat Rural Housing Board Act, 1972; or

Guj. xxviii
of 1961.
Guj. 22 of
1972.

(iii) to which provisions of the Gujarat Ownership Flats Act, 1973 apply

Guj. 13 of
1973.

by such Corporation, Board, Society, Company or, as the case may be, Association, in favour of its member or, as the case may be, allottee (whether in consequence of purchase of his share or not) or by such member or, as the case may be, allottee in favour of another member or allottee (whether in consequence of transfer of his share to another member or, as the case may be, allottee or not).”;

(2) The existing explanation shall be re-numbered as explanation II and before explanation II as so re-numbered, the following explanation shall be inserted, namely :—

Explanation I.—For the purposes of this Article, an agreement to sell an immoveable property or an irrevocable power of attorney shall, in case of transfer of the possession of such property before, at the time of, or after the execution of such agreement or power of attorney, be deemed to be a conveyance and the stamp duty thereon shall be chargeable accordingly:

Provided that the provisions of section 32A shall apply *mutatis mutandis* to such agreement or power of attorney as are applicable to a conveyance ;

Provided further that where subsequently a conveyance is executed in pursuance of such agreement of sale, or an irrevocable power of attorney, the stamp duty, if any, already paid and recovered on the agreement of sale or an irrevocable power of attorney which is deemed to be a conveyance, shall be adjusted towards the total duty leviable on the conveyance.”;

(6) in Article 21, for the words “Ten rupees”, the words “Twenty rupees” shall be substituted;

(7) in Article 25, for the words “Fifty rupees”, the words “Five hundred rupees” shall be substituted;

(8) for Article 27, the following Article shall be substituted, namely :—

“27. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—

(a) when the original mortgage is one of the description referred to in clause (a) of Article 36 (that is, with possession).

The same duty as is leviable on a conveyance under Article 20(a) for the amount of further charge secured by such instrument.

- (b) when such mortgage is one of the description referred to in clause (b) of Article 36 (that is, without possession)-
 - (i) if at the time of execution of the instrument of further charge possession of the property is given under such instrument. Eight rupees for every Rs. 100 or part thereof for the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge,
 - (ii) if possession is not so given. Three rupees for every Rs. 100 or part thereof for the amount of the further charge secured by such instrument.;
- (9) in Article 31, for the words "Five rupees", the words "Two rupees" shall be substituted;
- (10) in Article 32, for the words "Forty rupees", the words "Sixty rupees" shall be substituted;
- (11) in Article 35, in clause (a), for the words "One hundred rupees", the words "One thousand rupees" shall be substituted;
- (12) in Article 36,—
 - (1) in clause (a),—
 - (i) the words "or is not" shall be deleted;
 - (ii) in column 2, after the words "conveyance under", the words, brackets and letter "clause (a) of" shall be inserted;
 - (2) the existing clause (b) shall be re-lettered as clause (c) of that Article and before clause (c) as so re-lettered, the following clause shall be inserted, namely :—

"(b) when possession of the property or any part of the property comprised in such deed is not given or not agreed to be given. Three rupees for every Rs. 100 or part thereof for the amount secured by such deed.

Explanation.—A mortgager who gives to the mortgagee a power of attorney to collect rents or a lease of the property mortgaged or part thereof, shall be deemed to have given possession within the meaning of this Article.;
- (13) in Article 45,—
 - (1) in clauses (a), (b) and (c), in column (2), for the words "Ten rupees", the words "Twenty rupees" shall be substituted;
 - (2) clause (g) shall be re-lettered as clause (h) of that Article and before clause (h) as so re-lettered, the following clause shall be inserted, namely:—

"(g) When given for consideration with the right to sell an immovable property, or when given, with or without consideration, to a promoter or a developer by whatever name called, for construction or development of, or sale or transfer (in any manner whatsoever) of, any immovable property, or when given, with or without consideration, irrevocable power of attorney transferring the possession of any immovable property ; The same duty as is leviable on a conveyance under Article 20 for the amount of the consideration or, as the case may be, market value of the immovable property whichever is greater."

(3) in clause (h) as so re-lettered, for the words "Ten rupees"; the words "Twenty rupees" shall be substituted;

(4) for the existing N.B. and the explanation below the Article, the following shall be substituted, namely :—

"Explanation I.—For the purposes of this Article, more persons than one when belonging to the same firm shall be deemed to be one person."

"Explanation II.—The term 'registration' includes every operation incidental to registration under the Registration Act, 1908."

HVI of
1908.

Explanation III.—Where, under clause (g), duty has been paid on the power of attorney, and a conveyance relating to that property is subsequently executed in pursuance of the power of attorney between the executant of the power of attorney and the person in whose favour it is executed, the duty on conveyance shall be the duty calculated on the market value of the property reduced by duty paid on the power of attorney.";

(14) in Article 57,—

(1) in column 1, after the words "under lease", the words "or by way of decree or final order passed by any Civil Court or any Revenue Officer" shall be inserted;

(2) in column 2, for the words and figures "Article 20 for the amount of consideration for the transfer", the words, figures, letter and brackets "Article 20 (a) for the amount of consideration for the transfer or, as the case may be, market value of the immovable property which ever is greater" shall be substituted.

Repeal and savings.

12. (1) The Bombay Stamp (Gujarat Amendment) Ordinance, 1994 is hereby repealed.

Guj. Ord.
of 1994.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.



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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 27th July, 1994 is hereby published for general information.

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.

GUJARAT ACT NO. 14 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 27th July, 1994).

AN ACT

to establish and incorporate an Open University in the State of Gujarat for the introduction and promotion of the Open University and distance education system in the educational pattern of the State.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Dr. Babasaheb Ambedkar Open University Act, 1994.

(2) This section shall be deemed to have come into force on the 13th April, 1994 and the remaining provisions of this Act shall be deemed to have come into force on the 26th April, 1994.

Short title and commencement.

12-1

Definitions

2. In this Act, unless the context otherwise requires,—

(1) "Authorities" means the authorities of the University specified in section 15;

(2) "Academic Planning Board" means the Academic Planning Board of the University constituted under section 17;

(3) "Board of Management" means the Board of Management of the University constituted under section 16;

(4) "Chancellor" means the Chancellor of the University;

(5) "distance education system" means the system of imparting education, through any means of communication such as broadcasting telecasting, correspondence course, seminars, contact programmes or the combination of any two or more of such means;

(6) "employee" means any person appointed by the University, and includes teachers and other academic staff of the University;

(7) "Finance Committee" means the Finance Committee of the University constituted under section 18;

(8) "prescribed" means prescribed by the Statutes, Ordinances, Regulations or Rules made under this Act;

(9) "recognised institution" means an institution established for research or, specialised studies and recognised as such by the University;

(10) "regional centre" means a centre established or maintained by the University for the purpose of co-ordinating and supervising the work of study centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management.

(11) "school" means a school of studies of the University;

(12) "Statutes", "Ordinances" and "Regulations" means respectively, the Statutes, Ordinances and Regulations of the University made under this Act and for the time being in force;

(13) "student" means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;

(14) "study centre" means a centre established, maintained or recognised by the University for the purpose of advising, counselling, evaluating or for rendering any other assistance required by the students;

(15) "teachers" means professors, readers, lecturers and such other persons as may be designated by the Ordinances for imparting instruction in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University;

(16) "University" means the Dr. Babasaheb Ambedkar Open University established under section 3;

(17) "Vice-Chancellor" means the Vice-Chancellor of the University.

CHAPTER II

THE UNIVERSITY

Establishment and incorporation of University.

3. (1) There shall be established a University by the name of 'the Dr. Babasaheb Ambedkar Open University'.
- (2) The headquarters of the University shall be at Ahmedabad, and the University may establish, maintain or recognise institutes, schools, regional centres and study centres at such other places in the State as it may deem fit.

(8) The first Vice-Chancellor, the first members of the Board of Management, the Academic Planning Board and Finance Committee and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted and declared to be a body corporate by the name of 'the Dr. Babasaheb Ambedkar Open University'; and the University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) The objects of the University shall be to advance and disseminate learning and knowledge by a diversity of means including the use of any communication technology, to provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community generally, to encourage the Open University and distance education system in the educational pattern of the State.

Objects
of Uni-
versity.

5. The University shall have the following powers, namely:—

(i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research, advancement and extension;

(ii) to plan and prescribe courses of study of degrees, diplomas, certificates or for any other purpose ;

(iii) to hold examination or test and confer degrees and a ~~diplomas~~ on, and grant certificates or other academic distinctions or recognitions to persons who have pursued approved course of study in the University or conducted research in the manner laid down by the Statutes and Ordinances ;

(iv) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes ;

(v) to withdraw or cancel any degree, diploma or certificate conferred or granted by the University in the manner prescribed by Statutes ;

(vi) to determine the manner in which distance education system in relation to the academic programmes of the University may be organised ;

(vii) to institute professorships, readerships, lecturerships and other academic posts necessary for imparting instruction or for preparing educational material or for conducting other academic activities including guidance, designing and delivery of course and evaluation of the work done by the students and to prescribe their qualifications ;

(viii) to appoint, engage or recognise persons as teachers ;

(ix) to lay down the course of instruction for the various examinations ;

(x) to co-operate with, and seek the co-operation of, other Universities and institutions of higher learning professional bodies and organisations for such purpose as the University, may determine ;

(xi) to hold and manage trusts and endowments and institute and award fellowships, scholarships, medals, prizes and such other awards for recognition of merit;

(xii) to establish, maintain or recognise such regional centres as may be determined by the University from time to time ;

(xiii) to establish, maintain or recognise study centres in the manner laid down by the Statutes ;

Powers
of Uni-
versity.

(xiv) to inspect regional centres, study centres and recognised institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained in them and that adequate library and laboratory provisions are made therein ;

(xv) to provide for the preparation of instructional materials including films, cassettes, tapes, video cassettes and other software ;

(xvi) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, lesson writers, evaluators and other academic staff ;

(xvii) to organise common laboratories, libraries, museums and other equipments for teaching and research ;

(xviii) to recognise examinations of or periods of study (whether in full or part) at, other Universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University, and to withdraw such recognition at any time ;

(xix) to make provisions for research and development in educational technology and matters related thereto ;

(xx) to create administrative, ministerial and other posts as the University may deem necessary from time to time and to make appointments thereto ;

(xxi) to receive benefications, donations and gifts for educational and other social or national causes and maintain proper accounts thereof;

(xxii) to acquire, hold and manage property both movable and immovable, to lease, sell or otherwise, transfer or dispose of any property movable or immovable which may vest in, or be acquired by it, for the purposes of the University and to contract and do all other acts and things necessary for the purposes of this Act :

Provided that no such lease, sale or transfer of immovable property shall be made without the prior consent of the State Government :

Provided further that where the State Government is satisfied that any such property may, in the interest of the University, be given on lease, sold or otherwise transferred or disposed of, the State Government shall issue necessary directions to the University and the University shall comply with such directions forthwith ;

(xxiii) to borrow, with the approval of the State Government, whether on the security of the property of the University or otherwise, money for the purposes of the University ;

(xxiv) to enter into, carry out, vary or cancel contracts ;

(xxv) to fix, demand and receive such fees and other charges, as may be prescribed by the Ordinances ;

(xxvi) to provide, control and maintain discipline among the students of the University ;

(xxvii) to lay down and regulate the salary scales, allowances and other conditions of service of the employees and the members of the teaching, other academic and non-teaching staff of the University and their code of conduct ;

(xxviii) to recognise any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition ;

(xxix) to engage, either on contract or otherwise, visiting professors, emeritus professors, consultants, fellows scholars artists, course, writers and such other persons who may contribute to the advancement of the objects of the University;

(xxx) to conduct, co-ordinate supervise, regulate and control post-graduate teaching and research work in the University;

(xxxi) to recognise persons working in other Universities, institutions or organisations as teachers of the University on such terms and conditions as may be laid down by the Ordinances;

(xxxii) to determine standards and to specify conditions for the admission of students to course of study of the University which may include examinations, evaluation and any other method of testing;

(xxxiii) to take disciplinary action against the students of the University and to impose such punishment upon them as may be deemed fit for breach of discipline or misconduct, within or outside the University including the use of unfair means at an examination or in relation thereto by themselves or by any other persons or abetment thereof;

(xxxiv) to make arrangements for the promotion of the general health and welfare of the students and the employees;

(xxxv) to do all such other acts as may be necessary or incidental to the exercise of all or any of the powers of the University and conducive to the promotion of the object of the University.

6. The University shall, in exercise of its powers, have jurisdiction over the whole of the State of Gujarat.

Jurisdiction.

7. (1) The University shall be open to persons of either sex and of whatever race, creed, caste or class and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to sex, race, creed, caste, class or religious belief or profession or political or other opinion in order to entitle him to be appointed as a teacher of the University or to hold any other office or post therein or admitted as a student in the University or to graduate thereat or to qualify for any degree, diploma, or other academic distinction or to enjoy or exercise any privilege of the University or any beneficentation thereof.

Universi-
ty
open to
all
classes,
castes
and
creeds.

(2) Nothing in sub-section (1) shall be deemed to prevent the University from making any special provision for the appointment or admission of women or of persons belonging to the weaker sections of the society, and in particular, of person belonging to the Scheduled Castes or Scheduled Tribes, in accordance with the directives if any, given from time to time by the State Government.

CHAPTER III

OFFICERS OF THE UNIVERSITY.

8. The following shall be the officers of the University, namely:—

Officers
of Uni-
versity.

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Directors;
- (iv) the Registrar; and
- (v) such other officers in service of the University as may be declared by the Statutes to be officers of the University.

Chancellor
and his
Powers.

9. (1) The Governor of Gujarat shall be the Chancellor of the University.

(2) The Chancellor shall be competent to call from time to time such information or records relating to any affairs of the University, and the Vice-Chancellor shall furnish the same. It shall also be lawful for the Chancellor, after perusal of such information or records, to give in the interest of the University, directives to the Vice-Chancellor as he deems fit, and the Vice-Chancellor shall comply with such directives.

(3) Subject to the provisions of sub-sections (4) and (5), the Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipments and of any regional centre or a study centre and also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(4) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Chancellor determine such representation to him as it may consider necessary.

(5) After considering the representation, if any, made by the University, the Chancellor may cause to be made such inspection or inquiry as referred to in sub-section (3).

(6) Where an inspection or inquiry has been caused to be made by the Chancellor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard at such inspection or inquiry.

(7) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon as the Chancellor may be pleased to offer and on receipt of the address made by the Chancellor, the Vice-Chancellor shall communicate forthwith to the Board of Management the result of the inspection or inquiry and the views of the Chancellor and the advice tendered by him with regard to the action to be taken thereon.

(8) The Board of Management shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken by it on the result of such inspection or inquiry.

(9) Where the Board of Management does not take action to the satisfaction of the Chancellor within a time limit fixed by the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Board of Management, issue such direction as he may think fit and the Board of Management shall be bound to comply with such direction.

(10) The State Government may whenever it deems fit, cause a like inspection or inquiry to be made in the manner described in sub-sections (2) to (9) and shall have, for the purposes of such inspection or inquiry, all the powers of the Chancellor under the said sub-sections.

Vice-
Chanc-
ller.

10. (1) The Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended under sub-section (2) by a Committee appointed for the purposes under sub-section (2)..

(2) (a) For the purposes of sub-section (1), the Chancellor shall appoint a Committee which shall consist of the following members, namely:—

(i) one member not connected with the University to be nominated in the manner prescribed by the Statutes by the Board of Management.

(ii) one member to be nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the Universities established by law in the State of Gujarat;

(iii) one member to be nominated by the Chancellor.

(b) The Chancellor shall appoint one of the three members of the Committee as its Chairperson.

(3) The Committee so appointed shall within a reasonable time select three persons whom it consider fit for being appointed as Vice-Chancellor and shall recommend to the State Government the names of the persons so selected together with such other particulars as may be relevant:

Provided that as far as possible, the Committee shall not select any such person who if appointed as Vice-Chancellor would cease to hold that office on account of attaining the age of 65 years before completion of the term of three years.

(4) The Vice-Chancellor shall hold office for a term of three years and he shall be eligible for re-appointment to that office for a further term of three years:

Provided that the State Government may require any Vice-Chancellor after his term has expired, to continue in office for such period not exceeding a total period of one year as may be specified by the State Government:

Provided further that no person appointed as Vice-Chancellor shall continue to hold office as such after he attains the age of 65 years.

(5) The emoluments to be paid to the Vice-Chancellor and the terms and conditions upon which he shall hold office shall be such as may be prescribed by the Statutes.

11. (1) The Vice-Chancellor shall be the principal academic and executive officer of the University, and shall exercise the power of supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(2) Notwithstanding anything contained in this Act, if the Vice-Chancellor is of the opinion that immediate action is necessary on any matter, he may exercise any power conferred on any authority of the University by or under this Act and shall inform such authority, about the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to file a written petition to the Board of Management within ninety days from the date on which such action is communicated to him and thereupon the Board of Management may confirm, modify or reverse the action taken by the Vice-Chancellor.

(3) Notwithstanding anything contained in this Act, the Vice-Chancellor, if he is of the opinion that any decision or order of any authority is beyond the powers of the authority conferred on it or inconsistent with the provisions of this Act, Statutes, Ordinances, Rules or Regulations or that any decision taken is not in the interest of the University or is likely to lead to breach of peace, he may ask the authority concerned to review its decision within sixty days of such decision and if the concerned authority refuses to review its decision either in whole or in part as directed by the Vice-Chancellor or no decision is taken by it within the said period of sixty days, the matter shall be referred to the State Government whose decision thereon shall be final:

Provided that the decision of the authority concerned shall remain in abeyance during the period of review of such decision by the authority or the State Government, as the case may be, under this sub-section.

Powers of
Vice-
Chanc-
llor.

(4) Where the authority after reconsideration revises or modifies the decision or order in the manner stated by the Vice-Chancellor, such revised or modified decision or order shall revive from the date of such revision or modification.

(5) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes, Ordinances, Regulations and Rules are faithfully observed and he shall have all powers necessary for this purpose.

(6) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and Ordinances.

Directors

12. The Directors shall be appointed in such manner, on such emoluments and other conditions of service as may be prescribed by rules made by the State Government and shall exercise such powers and perform such duties and functions, as may be prescribed by the Statutes.

Registrar.

13. (1) The Registrar shall be appointed in such manner, on such emoluments and other conditions of service as may be prescribed by rules made by the State Government.

(2) The Registrar empowered by the Board of Management shall have the power to enter into and sign agreements and contracts and authenticate records on behalf of the University.

(3) The Registrar shall exercise such powers and perform such duties and functions as may be prescribed by the Statutes.

Other officers.

14. The manner of appointment, emoluments, powers and duties of the other officers of the University shall be such as may be prescribed by the Statutes.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY.

Authorities of University.

15. The following shall be the authorities of the University, namely:—

- (i) the Board of Management;
- (ii) the Academic Planning Board;
- (iii) the Finance Committee;

(iv) such other authorities as may be declared by the Statutes to be the authorities of the University.

Board of Management.

16. (1) The Board of Management shall be the principal executive body of the University.

(2) The constitution of the Board of Management, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

Academic Planning Board.

17. (1) There shall be constituted an Academic Planning Board of the University which shall be the principal academic and planning body of the University. The Board shall be responsible for the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall also be responsible for the monitoring of the developments of the University and shall exercise such powers and perform such other duties and functions as may be conferred or imposed upon it by the Statutes.

(2) The constitution of the Academic Planning Board, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

18. The constitution, powers, duties and functions of the Finance Committee shall be such as may be prescribed by the Statutes.

Finance
Committee.
Other
authorities.

19. The constitution, powers, duties and functions of the other authorities which may be declared by the Statutes to be the authorities of the University shall be such as may be prescribed by the Statutes.

CHAPTER V

STATUTES, ORDINANCES, REGULATIONS AND RULES

STATUTES, ORDINANCES, REGULATIONS AND RULES

20. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

Statutes.

- (a) the powers, duties and functions that may be exercised and performed by the Vice-Chancellor;
- (b) the emoluments and other conditions of service of the Vice-Chancellor;
- (c) the manner of appointment and emoluments of the officers, and the powers, duties and functions that may be exercised and performed by the Directors, Registrar and other officers;
- (d) the constitution of the Board of Management and other authorities of the University, the term of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities;
- (e) the manner of appointment of teachers and other employees of the University, qualifications, code of the conduct and other conditions of service including the manner of termination of service and other disciplinary action;
- (f) the acceptance and management of trusts, bequests, donations and endowments;
- (g) conferment of honorary degrees;
- (h) holding of convocations to confer degrees;
- (i) institution and maintenance by the University of departments, centres of research or specialised studies and post-graduate centres;
- (j) registration of graduates and maintenance of register of registered graduates;
- (k) procedure at meeting of the authorities of the University and for the transaction of their business;
- (l) the maximum number of students to be admitted in the study centres;
- (m) all other matters which, by or under this Act, are to be, or may be prescribed by the Statutes.

21. (1) The first Statutes shall be framed by the State Government.

Making of
Statutes

(2) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Board of Management shall not make amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given a reasonable opportunity to express, within time fixed by the Board of Management, its opinion in writing on the proposed changes and any opinion so expressed has been considered by the Board of Management.

(3) Every new Statute or addition to the Statutes or any amendment or repeal thereof shall be presented to the Chancellor who may assent thereto or withhold assent or remit to the Board of Management for reconsideration in the light of the observations, if any, made by him.

(4) A new Statute or a Statute amending or repealing the existing Statute shall not be valid unless it has been assented to by the Chancellor.

Ordinances.

22. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—

(a) the admission of students the courses of study and the fees thereof, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships, awards and like ;

(b) the conduct of examinations, including the terms and conditions for the appointment of examiners, moderators and such other staff and their duties ;

(c) laying down the policy and norms regarding .—

(i) fixation of examination fees and emoluments, travelling and other allowances to be paid to the examiners, moderators and such other staff appointed for the examination work ;

(ii) payment, to teachers, lesson writers, evaluatees and other academic staff appointed for organisation and conducting refresher courses workshops, seminars and other programmes ;

(iii) rates of tuition fees and other charges receivable from the students ;

(iv) rates of remuneration to be paid to visiting professors, emeritus professors, consultants, fellows, scholars, artists, course writers ;

(d) the conduct and discipline of the students and the action to be taken against them for breach of discipline or misconduct including the following, namely:-

(i) use of unfair means at an examination or in relation thereto, by himself or by any other students, or abetment thereof ;

(ii) refusal to appear or give evidence in any authorised inquiry by an officer incharge of an examination, or by any officer or authority of the University; or

(iii) disorderly or otherwise objectionable conduct whether within or outside the University ;

(e) the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners ;

(f) the inspection of regional centres, study centres and recognised institutions.

(g) the mode of execution of contracts or agreements for, or on behalf of the University ;

(h) the rules to be observed and enforced by study centres and recognised institutions regarding transfer of students ;

(i) the holding of convocations, to confer degrees, diplomas, to grant certificates and other academic distinctions, and recognitions to persons who have passed approved course of study in the University or conducted research ;

(j) collaboration with other Universities in the State, other statutory authorities and with departments of the State Government ;

- (k) the appointments, for a specified period or periods of teachers and other academic staff working in any other University or organisation for undertaking joint projects ;
- (l) the principles governing the seniority of service of the employees of the University ;
- (m) the procedure for the settlement of dispute between the University and the students ;
- (n) provision for reservation of adequate number of posts of teachers, officers and other employees of the University for the members of the Scheduled Castes and Scheduled Tribes ;
- (o) manner of withdrawal of recognition ;
- (p) generally all matters for which provision is in the opinion of the Board of Management necessary for exercise of the powers conferred or the performance of the duties ;
- (q) any other matter which by this Act or the Statutes is to be, or may be provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor or in his absence by the Board of Management with the previous approval of the State Government and the Ordinances may be amended, repealed or added to at any time by the Board of Management in such manner as may be prescribed by the Statutes.

23. The authorities of the University may, subject to the approval of the Board of Management make regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in such manner as may be prescribed by the Statutes.

24. (1) The State Government may by notification in the *Official Gazette* make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely : ..

- (a) manner of appointment, emoluments and other conditions of service of the Directors under section 12 ;
- (b) manner of appointment, emoluments and other conditions of service of the Registrar under section 13; and
- (c) any other matter which is to be or may be prescribed by rules.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall, thereupon take effect.

CHAPTER VI

FINANCE.

25. (1) The University shall establish a fund to be called the University Fund.

(2) The following shall form part of, or be paid into, the University fund, namely:-

- (a) all contributions or grants made by the State Government the Central Government, the Indira Gandhi National Open University and the University Grants Commission;

Regula-
tions.

Power to
make
rules.

Univer-
sity fund.

(b) the income of the University from all sources whatsoever including income from fees and charges;

(c) all income or moneys from trust, bequests, donations, endowments, subventions and other grants;

(d) any sums borrowed from the Bank with the previous permission of the State Government.

(3) The University shall have, and maintain, a Contingency Fund under a separate head in the University accounts, to which shall be credited such sums as may, from time to time be granted as contributions or grant by the State Government specially for this purpose. Such Fund shall be used only for making advances for the purpose of meeting unforeseen expenditure.

(4) With the previous sanction of the State Government, any portion of the University Fund may from time to time be credited by the University to a separate head in the University accounts:

Provided that there shall be credited and debited to such special head only such sums as shall expressly relate to the objects for which such separate fund is created:

Provided further that the Board of Management may, by passing a special resolution, authorise transfer of any amount temporarily from one head to another in the University accounts.

(5) The University Fund shall at the direction of the Board of Management, be kept in the State Bank of India, or in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, which holds a licence issued by the Reserve Bank of India under section 22 of the Banking Regulation Act, 1949.

II of
1934

10 of 1949.

Annual financial estimate.

26 (1) The annual financial estimates of the University for the ensuing financial year shall be prepared under the direction of the Board of Management at least five months before the commencement of the financial year.

(2) The financial year of the University shall be the same as that of the State Government.

(3) The financial estimates shall be submitted to the Board of Management for its approval.

(4) The Board of Management shall thereafter forward the copies of the financial estimates to the State Government.

Annual accounts and audit.

27. (1) The annual statement of accounts of the University for a financial year shall be prepared under the direction of the Board of Management within a period of three months, after the close of the financial year.

(2) The annual accounts as approved by the Board of Management shall be audited by the Auditor appointed by the State Government.

(3) The annual accounts, as approved by the Board of Management together with the copy of the audit report and a copy of the statement showing the action taken by the University on the objections and point raised by the Auditor in his previous reports, shall be forwarded by the Board of Management as soon as possible and in any case, within the period of nine months from the end of financial year to the State Government and to the Auditor appointed by the State Government.

(4) It shall be competent for the State Government to give directions to the University regarding the manner in which the accounts relating to certain specific activities or schemes shall be maintained or to take necessary action against the authority.

the officer or any employee of the University found guilty in the audit report for committing irregularities and the University shall act according to the direction of the State Government.

28. The annual report of the University shall be prepared under the directions of the Board of Management which shall include, among other matters, the steps taken by the University towards the fulfilment of its objectives.

Annual Report.

29. (1) Without obtaining the prior approval of the State Government or any officer authorised by it in this behalf, the University shall not-

Financial control of State Government.

- (i) create any new post of officers, teachers or other employees.
- (ii) revise the pay, allowances, post-retirement benefits and other benefits having financial implications offered to its officers, teachers and other employees;
- (iii) incur any expenditure on any development work.

(2) Any post created, any financial benefits offered to its officers, teachers and other employees or any expenditure incurred on any development work, without the prior approval of the State Government or any such authorised officer, may be treated as unapproved expenditure for the purposes of payment of grant in-aid.

CHAPTER VII SUPPLEMENTARY PROVISIONS.

30. (1) Every employee of the University shall be appointed under written contract and such contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.

Conditions of service of employees.

(2) The contract referred to in sub-section (1) shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

Tribunal of Arbitration.

31. Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned be referred to a Tribunal of Arbitration consisting of one member nominated by the Board of Management, one member nominated by the officer or teacher concerned and an umpire to be nominated by the Chancellor. The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matter decided by the Tribunal. Every such request shall be deemed to be submission to arbitration upon the terms of this section within the meaning of the Indian Arbitration Act, 1940, and the provisions of that Act shall apply accordingly.

Delegation of powers.

32. Subject to the provisions of this Act and the Statutes, any officer or authority of the University may, by order, delegate his or its powers, except the power to make Statutes, Ordinances, and Regulations to any other officer or authority under his or its control and subject to the condition that the ultimate responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating them.

Disputes as to constitution of University Authorities and bodies.

33. (1) Where any question arises as to—

(a) the interpretation of any provision of this Act or any Statutes, Ordinances, Regulations or Rules, or

(b) whether any person has been duly appointed as, or is entitled to be, a member of any authority or other body of the University,

the matter shall be referred to the State Government whose decision thereon shall be final.

(2) Any nominee or *ex-officio* member appointed on any authority or body of the University shall be deemed to have vacated his office, whenever his nomination or appointment is cancelled by the authority concerned or he ceases to hold office by virtue of which he has been a member of the authority or body of the University.

Filling of
casual
vacancy.

34. When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by appointment or co-option, as the case may be, of a member who shall hold office so long only as the member in whose place he has been appointed or co-opted would have held, it, if the vacancy had not occurred.

Proceedings
not invalidated
by vacancies.

35. No act or proceedings of any authority or any other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Authorities and
officers
to be
responsible.

36. It shall be the duty of every authority and officer of the University to ensure that the interest of the University is duly safe-guarded.

Protection of
action -
taken in
good faith

37. No suit or other legal proceedings shall lie against any officer, employee or authority of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes, the Ordinances, the Regulations or the Rules.

Mode of
proof of
University
record.

38. A copy of any receipt, application, notice, order, proceedings, resolution of any authority or committee of the University, or other documents in the possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be admitted as evidence of the matters and transactions specified therein, where the original thereof would, if produced, have been admissible in evidence.

Power to remove
difficulties.

39. If any difficulty arises in giving effect to the provision of this Act, the State Government may by order, published in the *Official Gazette*, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

Transitional
provisions.

40. Notwithstanding anything contained in this Act and the Statutes,—

(a) the first Vice-Chancellor and the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act, for a period not exceeding three years on such terms and conditions as the State Government thinks fit.

(b) the first Board of Management shall consist of not more than fifteen members who shall be nominated by the State Government and they shall hold office for a term of three years,

(c) the first Academic Planning Board shall consist of not more than eleven members who shall be nominated by the State Government and they shall hold office for a term of three years; and

(d) the first Finance Committee shall consist of not more than seven members who shall be nominated by the State Government and they shall hold office for a term of three years.

Repeal
and
savings.

41. (1) The Dr. Babasaheb Ambedkar Open University Ordinance, 1994, is hereby repealed.

Guj. Ord
5 of
1994.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.



**The Gujarat Government Gazette
EXTRAORDINARY
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Separate paging is given to this Part in order that it
may be filed as a separate compilation.

PART--IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 27th July, 1994 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.

GUJARAT ACT NO. 15 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 27th July, 1994).

AN ACT

further to amend the Gujarat Municipalities Act, 1963.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Municipalities (Amendment) Act, 1994.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short
title
and
commen-
cement.

tion of
heading,
sub-head-
ing and
sections 47
to 50 in
Guj. 34
of 1964.

cipal Act"), in Chapter III,-

(1) for the heading "PRESIDENT, VICE-PRESIDENT, COUNCILLORS AND CHIEF OFFICER" the heading "PRESIDENT, VICE-PRESIDENT, COUNCILLORS AND OFFICERS AND SERVANTS OF THE MUNICIPALITY" shall be substituted;

(2) for the sub-heading "(3) Chief Officer and other Officers" appearing after section 46, the sub-heading "(3) Officers and servants of the Municipalities" shall be substituted.

(3) In the principal Act, for sections 47, 48, 49 and 50, the following shall be substituted, namely:-

"47 (1) (a) For every municipality there shall be a Chief Officer appointed by the State Government.

(b) The Chief Officer of a municipality shall forthwith be transferred from that municipality by the State Government if a resolution to that effect is passed by the municipality with not less than two thirds of the total number of councillors of the municipality voting in favour of such resolution.

(2) A municipality may, with the previous sanction of the Director, and shall, if so required by the State Government, create all or any of the following posts, namely:-

- (i) a municipal engineer,
- (ii) a water works engineer,
- (iii) a municipal health officer,
- (iv) a municipal auditor,
- (v) a municipal education officer, and
- (vi) any other officer as may be designated by the State Government in this behalf.

(3) Subject to the provisions of section 47A, the recruitment and conditions of service of the officers referred to in sub-sections (1) and (2) shall be such as may be prescribed.

(4) Subject to the provisions of section 47A, the power to make appointment to the posts referred to in sub-section (2) shall vest in the municipality.

Constitu-
tion of
Municipal
Services.

47A. (1) If, the State Government is of the opinion that it is necessary and expedient so to do for bringing about a uniform and a more efficient service of officers in municipalities for the purpose of carrying out the functions and duties under this Act, it may, notwithstanding anything contained in this Act, by notifications in the *Official Gazette*.-

(a) constitute in respect of all municipalities in municipal boroughs having such population of such number as may be specified in the notification a municipal service or services (to be called by such designation as may be specified in the notification) of—

- (i) Chief Officers of such municipalities, and
- (ii) all or any other officers referred to in sub-section (2) of section 47;

(b) direct from time to time that each such municipal service shall consist of such classes, cadres and posts (including grades of posts); and

(c) specify the initial strength of officers in each such class or cadre.

(2) The State Government may make rules for,—

(a) regulating the mode of recruitment by holding examinations or otherwise, including provision for the absorption in municipal service constituted under this section; or otherwise, of persons already working under any municipality;

(b) providing for terminal benefits such as compensation, pension or gratuity or the like, to persons who elect not to be absorbed in any such service or who elect to retire; and

(c) the conditions of service of persons appointed to, or absorbed to such municipal services:

provided that the conditions of service of any person absorbed in any such service shall not be less advantageous than those applicable to him immediately before such absorption.

(3) The provisions of section 48 shall cease to apply to persons appointed to or absorbed in such municipal services constituted under this section:

Provided that, such cessor shall not, in relation to persons absorbed, in any such service, affect the previous operation of section 48 in respect of anything done or omitted to be done before such absorption.

(4) Notwithstanding anything contained in sub-section (4) of section 47, the power to appoint officers of any municipal service constituted under this section including promotions, transfers, and powers in relation to all matters regarding their conditions of service shall vest in the State Government.

(5) The officers included in any municipal service constituted under this section shall be the servants of the State Government; but they shall draw their salaries and allowances directly from the municipal fund.

(6) There shall be paid every year out of the municipal fund to the State Government such cost as the State Government may determine on account of pension, leave and allowances other than those drawn from the municipal fund under sub-section (5) of the officers belonging to any of municipal services constituted under this section and all the expenses incurred by the State Government for administering the municipal service or services constituted under this section. If any municipality fails to pay such cost and expenses or the salaries and allowances of such officers within the period prescribed in this behalf, then the provision of sub-section (3) of section 262 shall apply to the payment of such cost and expenses or the salaries and allowances of such officers as they apply in relation to the payment of the expense and remuneration not paid under that section.

48. (1) Without prejudice to the provisions of any law for the time being in force, and subject to any rules made under section 47A, the following penalties may, for good and sufficient reasons be imposed upon any officer or servant of a municipality, namely:—

Imposition
of penal-
ties,

(i) censure,

(ii) withholding of increments or promotion including stoppage at an efficiency bar;

(iii) reduction to a lower post on a fixed pay or a time-scale or to a lower stage in a time-scale;

(iv) recovery from his pay of the whole or part of any pecuniary loss caused to the municipality by negligence or breach of orders;

- (v) fine;
- (vi) suspension;
- (vii) removal from service, which does not disqualify him from future employment;
- (viii) dismissal from service, which ordinarily disqualifies him from future employment.

(2) Any of the penalties mentioned in sub-section (1) may be imposed on an officer or servant of a municipality by the authority competent to make the appointment of such officer or servant.

(3) No officer or servant shall be reduced to a lower post or removed or dismissed from service and no punishment involving any monetary loss shall be imposed on him under this section unless he has been given a reasonable opportunity of showing cause against such reduction, removal, dismissal or punishment:

Provided that this sub-section shall not apply—

(a) where a person is reduced, removed or dismissed or punished on the ground of conduct which has led to his conviction or a criminal charge, or

(b) where the competent authority is satisfied that, for reasons to be recorded in writing by such authority; it is not reasonably practicable to give to such person an opportunity to show cause.

(4) An appeal shall lie to the authority mentioned in column (2) of the table below against any order imposing any penalty made by the authority mentioned in column (1) of the said table.

TABLE

Authority imposing the penalty (1)	Superior authority to which appeal may lie. (2)
Chief Officer	Executive Committee
Executive Committee or President	Municipality
Municipality	Director

(5) No such appeal shall be entertained unless it is preferred within one month from the date of receipt of the order appealed against by the officer or servant concerned.

Powers
and
duties of
Chief
Officer.

49. (1) The Chief Officer shall,—

(a) subject to the control, direction and supervision of the President, supervise the financial and executive administration of the municipality and perform such duties and exercise such powers as may be imposed or conferred upon him or delegated to him by or under the Act.

(b) take steps to give effect to all the decisions or resolutions of the Municipality;

(c) cause to be maintained and supervise the accounts and registers of the Municipality;

(d) subject to the orders of the municipality, take prompt steps to remove any irregularity pointed out by an auditor;

(e) prepare budget estimates and submit them to the executive committee;

(f) report all cases of fraud, embezzlement, theft or loss of municipal money and property to the President and the relevant Committee;

(g) exercise supervision and control over the acts and proceedings of all the officers and servants of the municipality;

(h) subject to the rules, by-laws, and general or special orders made under the Act, determine all questions relating to pay, allowances, leave and other benefits in respect of the officers and servants of the municipality;

(i) furnish to the Collector or such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipality.

(2) The Chief Officer may with the previous sanction of the Director delegate any of the powers or duties to any municipal officer or servant :

Provided that, such delegation shall be subject to such limitations, if any, as may be prescribed by the Director and also to the control and revision by the Chief Officer.

50. (1) A municipality may with the previous sanction of the Director, create such posts of officers and servants other than those specified in sub-sections (1) and (2) of section 47 as it shall deem necessary for the purposes of carrying out the duties under the Act.

(2) The recruitment of such officers and servants and their condition of service shall be such as may be determined in accordance with rules made under section 271.

(3) The power to make appointment in any post referred to in sub-section (1) shall vest in the municipality or in the authority empowered by the municipality by rules made in this behalf under section 271.”.

3. In the principal Act, after section 129, the following new section shall be inserted, namely:—

Appoint-
ment of
other
officers
and ser-
vants of
the muni-
cipalities.

Insertion
of new
section
129A in
Guj. 34
of 1964.

“129A (1) Subject to such rules as the State Government may make in this behalf, it shall be lawful for a municipality, to lease by public auction or private contract the collecting of octroi;

Farming
of octroi.

(2) All sums payable under the terms and conditions of the lease, if not paid, shall be recoverable as arrears of land revenue.

(3) The lessee and every person employed by the lessee to assist him in the collection of octroi shall be deemed to be appointed by the municipality to collect the same under this Act and shall exercise all the powers and be subject to all the responsibilities attaching to persons appointed to collect such octroi under this Act.

(4) Any rules or orders for the levy, collection and recovery of any such octroi shall have effect subject to the provisions of this section.”

Deletion of
section 273
of Guj.
34 of 1964.

4. In the principal Act, section 273 shall be deleted.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



**The Gujarat Government Gazette
EXTRAORDINARY**
PUBLISHED BY AUTHORITY

Vol. XXXV]

WEDNESDAY, JULY 27, 1994/SRAVANA 5, 1916

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 27th July, 1994 is hereby published for general information.

KUM H.K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 27th July, 1994).

AN ACT

further to amend the Gujarat State Guarantees Act, 1963.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat State Guarantees (Amendment) Act, 1994.

Guj. XXII 2. In the Gujarat State Guarantees Act, 1963, in section 2, in sub-section (1),
of 1963. for the letters and figures "Rs. 60,00,00,00,000", the letters and figures
"Rs. 80,00,00,00,000" shall be substituted.

Short title:

Amend-
ment of
section 2
of Guj.
XXII of
1963.



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KUM H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 17 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 27th July, 1994).

AN ACT

further to amend the Gujarat Co-operative Societies Act, 1961.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Gujarat Co-operative Societies (Amendment) Act, 1994. Short title.
2. In the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as 'the principal Act'), in section 68, for the figures and words "12 per cent.", the figures and words "15 per cent." shall be substituted. Amendment of section 68 of Guj. of 1962.
3. In the principal Act, for section 69, the following shall be substituted, namely:— Substitution of section 69 of Guj. of 1962.

Guj.
Bill
of
1962.

Contri-
butio n to
educa-
tion
fund of
the
Gujarat
State
Co-
operative
Union.

"69. (1) Every society which declares, out of the current year's profit, a dividend to its members at a rate of 3 per cent. or more, shall contribute towards the education fund of the Gujarat State Co-operative Union at such rate as may be prescribed.

(2) No society, liable to contribute towards the education fund, shall pay a dividend to its members, unless the said contribution is made to the Gujarat State Co-operative Union within two months from the date on which its accounts are adopted by the general body of members at its annual general meeting.

(3) An officer wilfully failing to comply with the requirements of this section, shall be personally liable for making good the amount to the Gujarat State Co-operative Union.

*Explanation :—*In this section the expression 'Gujarat State Co-operative Union means federal society established for the State of Gujarat with the object of giving training facilities for familiarising, promoting or encouraging in co-operative movement.'.



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KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 18 OF 1994.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 27th July, 1994.)

AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1995.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Gujarat Appropriation Act, 1994. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of seven thousand twenty-four hundred crores, thirty-three lakhs, thirty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1994-95 in respect of the services and purposes specified in column 2 of the Schedule. With-
drawal
of Rs.
70,24,33,39
000 from
and out of
the Consol-
idated
Fund of
the State
of Gujarat
for the
financial
year
1994-95.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appro-
priation.

THE SCHEDULE

(See sections 2 and 3).

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	Rs.	Rs.	Rs.
1.	Agriculture, Co-operation and Rural Development Department	Revenue	1,60,31,000	.. 1,60,31,000
2.	Agriculture	Revenue	1,76,42,69,000	.. 1,76,42,69,000
		Capital	10,03,33,000	.. 10,03,33,000
3.	Minor Irrigation Soil Conservation and Area Development.	Revenue	19,76,13,000	.. 19,76,13,000
		Capital	56,67,000	.. 56,67,000
4.	Animal Husbandry and Dairy Development.	Revenue	22,81,25,000	.. 22,81,25,000
		Capital	2,67,000	.. 2,67,000
5.	Fisheries	Revenue	8,13,95,000	.. 8,13,95,000
		Capital	9,01,84,000	.. 9,01,84,000
6.	Co-operation	Revenue	12,74,27,000	.. 12,74,27,000
		Capital	7,45,59,000	.. 7,45,59,000
8.	Education Department.	Revenue	89,20,000	.. 89,20,000
9.	Education	Revenue	10,18,41,82,000	24,48,00,000 10,42,89,82,000
		Capital	4,00,000	.. 4,00,000
10.	Other Expenditure pertaining to Education Department.	Revenue	3,16,42,000	.. 3,16,42,000
11.	Energy and Petro-Chemicals Department.	Revenue	36,57,000	.. 36,57,000
12.	Tax collection charges (Energy and Petro-chemicals Department).	Revenue	1,74,99,000	.. 1,74,99,000
13.	Energy Projects.	Revenue	2,03,33,33,000	.. 2,03,33,33,000
		Capital	2,35,90,50,000	.. 2,35,90,50,000
14.	Other Expenditure pertaining to Energy and Petro-chemicals Department.	Capital	2,00,00,000	.. 2,00,00,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.
15.	Finance Department	Revenue	1,77,90,000	.. 1,77,90,000
		Capital	2,37,000	.. 2,37,000
16.	Tax Collection Charges (Finance Department)	Revenue	21,28,51,000	.. 21,28,51,000
17.	Treasury and Accounts Administration	Revenue	12,29,20,000	.. 12,29,20,000
18.	Pension and other Retirement Benefits	Revenue	1,71,45,67,000	2,67,000 1,71,48,34,000
19.	Other Expenditure pertaining to Finance Department	Revenue	3,23,90,25,000	.. 3,23,90,25,000
		Capital	80,00,000	67,000 80,67,000
20.	Repayment of Debt pertaining to Finance Department and its Servicing	Revenue	.. 7,11,58,63,000	7,11,58,63,000
		Capital	.. 8,93,53,55,000	8,93,53,55,000
21.	Food and Civil Supplies Department	Revenue	1,91,37,000	.. 1,91,37,000
22.	Civil Supplies	Revenue	12,98,51,000	.. 12,98,51,000
		Capital	67,000	.. 67,000
23.	Food	Revenue	3,70,97,000	.. 3,70,97,000
		Capital	16,67,000	.. 16,67,000
25.	Forest and Environment Department	Revenue	45,37,000	.. 45,37,000
26.	Forests	Revenue	28,91,70,000	.. 28,91,70,000
		Capital	30,54,51,000	.. 30,54,51,000
27.	Environment	Revenue	1,12,00,000	.. 1,12,00,000
29.	Governor	Revenue	.. 51,37,000	51,37,000
30.	Council of Ministers	Revenue	1,49,42,000	.. 1,49,42,000
31.	Elections	Revenue	15,27,01,000	.. 15,27,01,000
32.	Public Service Commission	Revenue	20,03,000	.. 81,10,000 1,01,13,000

No. of Vote/ Appro- priation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	Rs.	Rs.	Rs.
33.	General Administration Department	Revenue	6,30,81,000	.. 6,30,81,000
34.	Economic Advice and Statistics	Revenue	2,95,12,000	.. 2,95,12,000
35.	Other Expenditure pertaining to General Administration Department	Revenue	28,92,31,000	.. 28,92,31,000
36.	State Legislature	Revenue	2,45,71,000	2,67,000 2,48,38,000
38.	Health and Family Welfare Department	Revenue	1,38,73,000	.. 1,38,73,000
39.	Medical and Public Health	Revenue	1,97,15,22,000	.. 1,97,15,22,000
40.	Family Welfare	Revenue	45,06,67,000	.. 45,06,67,000
41.	Water Supply	Revenue	45,26,10,000	.. 45,26,10,000
		Capital	1,11,11,00,000	.. 1,11,11,00,000
42.	Other Expenditure pertaining to Health and Family Welfare Department.	Revenue	16,95,97,000	.. 16,95,97,000
43.	Home Department	Revenue	1,12,13,000	.. 1,12,13,000
44.	Police	Revenue	2,12,72,24,000	.. 2,12,72,24,000
45.	Jails	Revenue	5,88,70,000	.. 5,88,70,000
46.	Transport	Revenue	7,99,75,000	.. 7,99,75,000
		Capital	1,86,00,000	.. 1,86,00,000
47.	Other Expenditure pertaining to Home Department	Revenue	16,03,49,000	86,000 16,04,35,000
		Capital	7,41,67,000	.. 7,41,67,000
58.	Industries and Mines Department	Revenue	73,17,000	.. 73,17,000
49.	Stationery and Printing	Revenue	15,97,80,000	.. 15,97,80,000
50.	Industries	Revenue	52,67,40,000	.. 52,67,40,000
		Capital	1,31,79,52,000	.. 1,31,79,52,000
51.	Mines and Minerals	Revenue	5,44,93,000	.. 5,44,93,000
52.	Other Expenditure pertaining to Industries and Mines Department.	Revenue	31,77,000	.. 31,77,000
		Capital	50,00,000	.. 50,00,000

No. of Vote/ Approp- riation	Services and purposes	Sums not exceeding		
		Voted	Charged on the consolidated Fund.	Total
1	2	Rs.	Rs.	Rs.
53.	Information, Broadcasting and Tourism Department.	Revenue	19,80,000	.. 19,80,000
54.	Information and Publicity	Revenue	10,03,74,000	.. 10,03,74,000
		Capital	20,00,000	.. 20,00,000
55.	Tourism	Revenue	2,28,50,000	.. 2,28,50,000
		Capital	28,00,000	.. 28,00,000
56.	Other Expenditure pertaining to Information, Broadcasting and Tourism Department.	Revenue	93,53,000	.. 93,53,000
57.	Labour and Employment Department.	Revenue	46,85,000	.. 46,85,000
58.	Labour and Employment	Revenue	33,99,42,000	.. 33,99,42,000
		Capital	1,33,000	.. 1,33,000
60.	Legal Department	Revenue	94,13,000	.. 94,13,000
		Capital	17,000	.. 17,000
61.	Administration of Justice	Revenue	25,43,88,000	3,19,57,000 28,63,45,000
62.	Other Expenditure pertaining to Legal Department.	Revenue	92,61,000	.. 92,61,000
63.	Legislative and Parliamentary Affairs Department.	Revenue	50,80,000	.. 50,80,000
65.	Narmada and Water Resources Department	Revenue	1,25,40,000	.. 1,25,40,000
66.	Narmada Development Scheme.	Capital	5,11,28,29,000	.. 5,11,28,29,000
67.	Irrigation and Soil Conservation	Revenue	3,40,69,42,000	.. 3,40,69,42,000
		Capital	1,18,82,55,000	.. 1,18,82,55,000
68.	Other Expenditure pertaining to Narmada and Water Resources Department.	Revenue	9,33,000	.. 9,33,000
69.	Panchayats and Rural Housing Department.	Revenue	76,22,000	.. 76,22,000
70.	Community Development	Revenue	58,06,23,000	.. 58,06,23,000
		Capital	.. 5,53,000	5,53,000

No.of Vote/ Appro- priation.	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund.	Total
1	2	Rs.	Rs.	Rs.
71.	Rural Housing	Revenue	19,63,40,000	33,67,33,000
		Capital	1,54,67,000	1,54,67,000
72.	Compensations and Assignments	Revenue	11,21,89,000	11,21,89,000
73.	Other Expenditure pertaining to Panchayats and Rural Housing Department.	Revenue	6,56,07,000	6,56,07,000
74.	Revenue Department	Revenue	2,01,03,000	2,01,03,000
25.	Tax Collection Charges Revenue Department.	Revenue	19,22,23,000	18,67,000
				19,40,90,000
76.	District Administration	Revenue	19,09,93,000	19,09,93,000
77.	Relief on account of Natural Calamities.	Revenue	56,50,00,000	56,50,00,000
		Capital	16,67,000	16,67,000
78.	Dangs District	Revenue	8,86,73,000	8,86,73,000
		Capital	33,000	33,000
79.	Compensations and Assignments	Revenue	5,03,63,000	28,47,000
		Capital	38,00,000	29,33,000
				67,33,000
80.	Other Expenditure pertaining to Revenue Department.	Revenue	31,60,000	3,000
		Capital	6,80,000	6,80,000
81.	Roads and Buildings Department	Revenue	1,67,43,000	1,67,43,000
82.	Non-Residential Buildings	Revenue	61,24,68,000	2,08,000
		Capital	22,31,21,000	22,31,21,000
83.	Residential Building	Revenue	26,18,33,000	..
		Capital	5,22,41,000	5,22,41,000
84.	Roads and Bridges	Revenue	1,54,95,05,000	..
		Capital	32,94,67,000	32,94,67,000
85.	Ports.	Capital	5,46,67,000	5,46,67,000
86.	Gujarat Capital Construction Scheme.	Revenue	1,51,29,000	..
		Capital	4,81,67,000	4,81,67,000

No. of Vote/ Appro- priation.	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	Rs.	Rs.	Rs.
87.	Other Expenditure pertaining to Roads and Buildings Deparment	Revenue	14,49,20,000	.. 4,49,20,000
		Capital	33,34,000	.. 33,34,000
88.	Social Welfare and Tribal Development Department	Revenue	65,82,000	.. 65,82,000
89.	State Excise	Revenue	1,57,90,000	.. 1,57,90,000
90.	Social Security and Welfare	Revenue	48,16,82,000	.. 48,16,82,000
		Capital	93,33,000	.. 93,33,000
91.	Welfare of Scheduled Tribes	Revenue	18,11,39,000	.. 18,11,39,000
		Capital	34,53,000	.. 34,53,000
93.	Special Component Plan for Schedule Castes	Revenue	78,26,40,000	.. 78,26,40,000
		Capital	6,25,47,000	.. 6,25,47,000
94.	Tribal Area Sub-Plan	Revenue	1,86,14,57,000	.. 1,86,14,57,000
		Capital	66,48,07,000	.. 66,48,07,000
95.	Urban Development and Urban Housing Department	Revenue	43,83,000	.. 43,83,000
96.	Urban Housing	Revenue	4,34,63,000	6,18,70,000 10,53,33,000
		Capital	3,63,53,000	.. 3,63,53,000
97.	Urban Development	Revenue	31,99,59,000	.. 31,99,59,000
		Capital	14,33,33,000	.. 14,33,33,000
98.	Compensations, Assignment and tax collection charges	Revenue	16,95,73,000	4,15,62,000 21,11,35,000
99.	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	75,41,000	.. 75,41,000
100.	Youth Services and Cultural Activities Department	Revenue	21,00,000	.. 21,00,000
101.	Youth Services and Cultural Activities.	Revenue	5,84,19,000	.. 5,84,19,000
	Total	Revenue	40,00,16,49,000	7,85,15,77,000 47,85,32,26,000
		Capital	13,45,12,05,000	8,93,89,08,000 22,39,01,13,000
		Grand Total	53,45,28,54,000	16,79,04,85,000 70,24,33,39,000



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TUESDAY, SEPTEMBER 13, 1994/BRADRA 22, 1916.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART—IV**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the President on the 10th September, 1994 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Dept.

GUJARAT ACT NO. 19 OF 1994.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 13th September, 1994).

AN ACT

further to amend the Bombay Inams (Kutch Area) Abolition Act, 1958 for certain purposes.

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows :—

Bom.
XCVIII
of 1958.

1. This Act may be called the Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Act, 1994.

Short title.

2. In the Bombay Inams (Kutch Area) Abolition Act, 1958 (hereinafter referred to as "the principal Act"), in the section 14, after sub-section (4), the following sub-section shall be inserted, namely :—

Amendment of section 14 of Bom. XCVIII of 1958.

"(5) Notwithstanding the expiry of the period specified in sub-section (4), the claim may be notified by a creditor under sub-section (2) before the end of December, 1994."

3. In the principal Act, after section 16C, the following new section shall be inserted, namely :—

Insertion of new section 16D in Bom. XCVIII of 1958.

Further
extension
of time
for
making
application for
coempen-
sation.

"16D. (1) Notwithstanding the expiry of the period specified in section 16C for making an application for compensation under section 15 or 16, any person claiming compensation under section 12, 13 or 16 may make an application therefor to the Collector before the end of December, 1994.

(2) Where an application for compensation made by any person before the commencement of the Bomby Inams (Kutch Area) Abolition (Gujarat Amendment) Act, 1994 was not admitted by the Collector, such person shall also be entitled to make an application under sub-section (1).

(3) On receipt of an application under sub-section (1), the Collector shall admit the same and all the provisions of this Act shall apply to the application as if it were an application made within the period prescribed under section 15 or, as the case may be, under section 16 :

Provided that if the Collector refuses to admit such application, the applicant may make an appeal to the State Government against the order of the Collector within a period of three months from the date of the order and the State Government may pass such order thereon as it may deem fit."

Guji.
19 of
1994.